

Return to an Address of the Honourable the House of Commons dated 15 June 2010 for the

Report of the **Bloody Sunday Inquiry**

The Rt Hon The Lord Saville of Newdigate (Chairman)
The Hon William Hoyt OC
The Hon John Toohey AC

Ordered by the House of Commons to be printed on 15 June 2010

Volume I

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Glossary

Principal Conclusions and Overall
Assessment

The Background to Bloody Sunday

This volume is accompanied by a DVD containing the full text of the report

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Report of the **Bloody Sunday Inquiry**

The Rt Hon The Lord Saville of Newdigate (Chairman)
The Hon William Hoyt OC
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General Introduction

On 29th January 1998 the House of Commons resolved that it was expedient that a tribunal be established for inquiring into a definite matter of urgent public importance, namely *“the events on Sunday, 30 January 1972 which led to loss of life in connection with the procession in Londonderry on that day, taking account of any new information relevant to events on that day”*. On 2nd February 1998 the House of Lords also passed this resolution. With the exception of the last 12 words, these terms of reference are virtually identical to those for a previous Inquiry held by Lord Widgery (then the Lord Chief Justice) in 1972. Both inquiries were conducted under the provisions of the Tribunals of Inquiry (Evidence) Act 1921.

In his statement to the House of Commons on 29th January 1998 the Prime Minister (The Rt Hon Tony Blair MP) said that the timescale within which Lord Widgery produced his report meant that he was not able to consider all the evidence that might have been available. He added that since that report much new material had come to light about the events of the day. In those circumstances, he announced:

“We believe that the weight of material now available is such that the events require re-examination. We believe that the only course that will lead to public confidence in the results of any further investigation is to set up a full-scale judicial inquiry into Bloody Sunday.”

The Prime Minister made clear that the Inquiry should be allowed the time necessary to cover thoroughly and completely all the evidence now available. The collection, analysis, hearing and consideration of this evidence (which is voluminous) have necessarily required a substantial period of time.

The Tribunal originally consisted of The Rt Hon the Lord Saville of Newdigate, a Lord of Appeal in Ordinary, The Hon William Hoyt OC, formerly the Chief Justice of New Brunswick, Canada, and The Rt Hon Sir Edward Somers, formerly a member of the New Zealand Court of Appeal. Before the Tribunal began hearing oral evidence, Sir Edward Somers retired through ill health. The Hon John Toohey AC, formerly a Justice of the High Court of Australia, took his place. Lord Saville acted throughout as the Chairman of the Inquiry.

The footnotes

The footnotes provide, among other matters, references to the evidence and submissions on which we have based our views and findings. In the electronic version of this report, references are hypertext-linked, so that by clicking on a reference the reader can refer directly to the evidence or submission under consideration. Where photographs are reproduced in the report, we have in most instances considered it unnecessary to give the reference. The referencing system is the same as that used during the course of the Inquiry to identify the particular matter in question from the materials that were collected, considered and published, so that the reader can follow the references contained in that material. The Tribunal is of the view that with few exceptions the evidence and submissions relating to Bloody Sunday that were made publicly available during the course of the Inquiry should continue to be available, so that the report can be read in conjunction with those materials, which to that end form part of this report. The electronic version of the report provides direct access to these materials, which are also available through the Inquiry website.¹ Cross-references within the report to other parts of the report are also footnoted and hypertext-linked. Cross-references are to chapters or to paragraphs within chapters. Thus, for example, a cross-reference to paragraphs 75–100 in Chapter 9 appears as paragraphs 9.75–100.

¹ www.bloody-sunday-inquiry.org

The ranks and titles of witnesses

It should be noted that many of the soldiers who gave evidence to this Inquiry had achieved over the years higher rank than that which they had held in January 1972. A number of civilians (for example, Bishop Daly and Sir Edward Heath) were also known at the time of the Inquiry by different titles from those by which they had been known in 1972. During the course of the Inquiry, all witnesses were addressed by the titles that they held at the time at which they gave their evidence. However, in this report we refer to all such witnesses by the rank that they held or the title by which they were known in January 1972.

For the reasons that we give below, many witnesses were given ciphers in order to preserve their anonymity and that of their families. We have preserved that anonymity in this report.

Legal representatives

In the course of the Inquiry, the families of those who were killed, the surviving casualties, and the families of those injured on Bloody Sunday who have since died were represented by various different combinations of counsel and solicitors. Separate teams of counsel instructed by the Treasury Solicitor appeared on behalf of one large group and three smaller groups of former and serving officers and soldiers, while other military witnesses chose not to be represented. In order to avoid undue complication, we have often referred in this report to submissions made by “representatives of the families” or “representatives of soldiers”, without distinguishing between the different groups, although where necessary we have been more specific. Further details of the families, surviving casualties, military witnesses and other parties represented in the Inquiry, and of their counsel and solicitors, are given in Appendix 1.

Anonymity

With the exception of a number of senior officers who gave evidence under their own names, military witnesses who gave evidence to the Widgery Inquiry were granted anonymity in order to protect them and their families. They gave their evidence under ciphers, which were alphabetical for those who said that they had fired live rounds on Bloody Sunday (the “lettered soldiers”), and numerical for the others (the “numbered soldiers”). Some police witnesses were also granted anonymity for the purposes of the Widgery Inquiry.

At the outset of this Inquiry there was controversy over whether military witnesses, other than those whose identities were already in the public domain, should be granted anonymity. Rulings of the Tribunal that in general they should not, save where special reasons applied, were quashed on judicial review. The Court of Appeal in London held that the Tribunal was obliged to grant anonymity to those who had fired live rounds. The Tribunal considered that the Court’s reasoning applied also to other military witnesses, unless their identities were already clearly in the public domain, and ruled accordingly. Where appropriate, the ciphers used in the Widgery Inquiry were retained, with the addition of the soldier’s rank at the time of Bloody Sunday (for example, Corporal A or Sergeant 001). Military witnesses who had been given no cipher in 1972 were identified by a number preceded by their rank and the letters INQ (for example, Sergeant INQ 1). Military witnesses sometimes referred in their statements to another soldier by an incomplete name, a nickname, or a name that otherwise could not be matched to an individual identifiable from official records. In these cases the Inquiry replaced the name with a numerical cipher preceded by the letters UNK (for example, UNK 1).

Some of the military witnesses in 1972 were given more than one cipher. While this had the potential to cause confusion, this Inquiry had access to unredacted copies of the witness statements and was able to ensure that they were all attributed to the correct witness.

No police officers were granted anonymity in this Inquiry, although some were permitted to give their evidence screened from the view of all but the Tribunal and the lawyers participating in the hearings.

Successful applications for anonymity were also made on behalf of a number of other witnesses, including certain Security Service and Army intelligence officers, whose ciphers were alphabetical (for example, Officer A), and certain witnesses who had formerly been members of the Official or Provisional Irish Republican Army (OIRA or PIRA) or otherwise had connections with the republican movement, whose ciphers consisted of numbers preceded by the letters OIRA, PIRA or RM as appropriate (for example, OIRA 1, PIRA 1 or RM 1).

The Tribunal had access in all cases to the names of the witnesses who gave evidence to this Inquiry.

Glossary

In this glossary we provide brief explanations of some of the abbreviations and terminology used in the report, or which appear in some of the documents and other evidence to which we refer. Where necessary, in the report itself we provide further details of, in particular, some of the sources of evidence and the issues to which they gave rise. At the end of the glossary we set out a list showing the hierarchy of Army ranks and the abbreviations sometimes used for them. Cross-references within the glossary to other entries in the glossary appear in italics.

Acid bombs

These were bottles filled with acid or another corrosive substance, used as anti-personnel weapons.

Actuality footage

We have used this expression to refer to film footage taken while the events of Bloody Sunday were in progress. The actuality footage available to the Inquiry includes material filmed by two cameramen from the British Broadcasting Corporation (BBC), two from Independent Television News (ITN), one from the American Broadcasting Company (ABC) and one from Columbia Broadcasting System (CBS), as well as a film taken from an Army helicopter. There is also a small quantity of actuality footage taken by amateur cameramen, including William McKinney, who was shot dead on Bloody Sunday. Some of the film footage was edited for broadcasting purposes, with the result that the surviving material is not complete and does not necessarily show events in chronological order.

Aggro Corner

This was a slang name, used mainly by the Army, which referred to the junction of William Street, Rossville Street and Little James Street, where trouble had often occurred in the past.

Anti-riot gun

See *Baton gun*.

APC

Armoured Personnel Carrier. The Humber armoured car was employed routinely as an APC by the Army in Northern Ireland. Several of these vehicles were used on Bloody Sunday. They were often called “Pigs”, mainly by soldiers, either on account of their appearance or because they were awkward to drive and uncomfortable to sit in. They were also frequently described, usually by civilians, as “Saracens”. However, that term was applied inaccurately, since a Saracen was another type of military vehicle, which was not used on Bloody Sunday.

The following photograph, taken by Robert White on Bloody Sunday, shows a Humber APC.



The following photograph, taken from David Barzilay, *The British Army in Ulster* (Belfast: Century Books, 1978 reprint), shows a Saracen.



Army units

8 Inf Bde

8th Infantry Brigade.

39 Inf Bde

39th Infantry Brigade.

1 CG

1st Battalion, The Coldstream Guards.

1 PARA

1st Battalion, The Parachute Regiment.

1 R ANGLIAN

1st Battalion, The Royal Anglian Regiment.

2 RGJ

2nd Battalion, The Royal Green Jackets.

22 Lt AD Regt

22nd Light Air Defence Regiment, Royal Artillery.

Arrest report forms

When a civilian who had been arrested by a soldier came into the custody of the Royal Military Police (*RMP*), details of the arrest, including the names of the soldier, the arrested civilian and any witnesses, and the nature of the offence alleged to have been committed, were recorded on what was known as an arrest report form. The form also included space in which to record the date, time and place at which the arrested person was handed over to the Royal Ulster Constabulary (*RUC*), and for the RUC to record, where appropriate, the date and time at which the arrested person was charged and whether he or she was kept in custody or released on bail.

Barry interviews

See *Sunday Times* interviews.

Baton gun

A baton gun was a weapon used to fire baton rounds, otherwise known as rubber bullets, for riot control purposes. On Bloody Sunday many of the soldiers were equipped with baton guns. The baton gun was also known by a variety of other names, including “anti-riot gun”, “RUC gun”, “rubber bullet gun” and “Greener gun”.

The following photographs show a baton gun.



BID 150

In 1972 the Army in Northern Ireland had access to a secure radio system. Secure communications between a brigade and a battalion under its command could be achieved using an adapted military radio together with a piece of encryption equipment called a BID 150. In this Inquiry the term “BID 150” was often used to refer to the radio and the encryption device together. Whether a BID 150 link was in use between Brigade HQ and the Tactical Headquarters of 1 PARA on Bloody Sunday was a matter of dispute, which we consider in the course of the report.

Blast bombs

Blast bombs were improvised devices that consisted of a detonator and explosive material. They were described by some witnesses as being crude anti-personnel devices and like large fireworks or *nail bombs* but without the nails. We also heard evidence that they could be made with a larger quantity of explosives in order to be used to damage buildings.

Bloody Sunday Inquiry statements

In the course of this Inquiry, written statements were obtained from a large number of witnesses, including civilians, former and serving soldiers, priests, journalists, civil servants, politicians and former members of the *IRA*. The vast majority of these statements (sometimes called “BSI statements”) were taken by the solicitors Eversheds, who were retained by this Inquiry for this purpose. For this reason some are also sometimes referred to as “Eversheds statements”. The Solicitor to the Inquiry and his assistants also took a number of written statements, and a few were submitted by witnesses or their solicitors.

Brigade HQ

The headquarters of 8th Infantry Brigade, located at Ebrington Barracks, Londonderry.

Brigade net

This was the radio network used to provide communications between *Brigade HQ* and the headquarters of the battalions and other units under its command. Separate radio networks were used for communications between the headquarters of each battalion and its constituent companies. See also *Ulsternet*.

Capper tapes

David Capper was a BBC Radio reporter who covered the march on Bloody Sunday. He carried a reel-to-reel tape recorder on which he recorded his commentary on the march. Other voices and sounds are also audible on the recording. The Inquiry obtained a copy of the recording and arranged for a transcript to be made.

CS gas

This is a type of tear gas, which could be fired in grenades or cartridges as a riot control agent.

DIFS

The Department of Industrial and Forensic Science. This department, which formed part of the Ministry of Commerce of the Government of Northern Ireland, was responsible for the forensic tests carried out shortly after Bloody Sunday on hand swabs and clothing obtained from those who had been killed. It was also responsible for matching two bullets, recovered from the bodies of Gerald Donaghey and Michael Kelly, to rifles fired by soldiers on that day.

Donagh Place

The seventh, eighth and ninth floors of the Rossville Flats were known as Donagh Place.

Embassy Ballroom

The Embassy Ballroom was located on the west side of Strand Road, close to the northern corner of Waterloo Place. In January 1972 the Army occupied the top floor of the building. Two Observation Posts (OPs) were sited on the roof. OP Echo gave views of William Street, Little James Street, Chamberlain Street, the waste ground north of the Rossville Flats, and the Rossville Flats themselves, including the roofs. OP Foxtrot overlooked Strand Road and Waterloo Place. On Bloody Sunday members of 11 Battery 22 Lt AD Regt manned both these OPs.

Eversheds statements

See *Bloody Sunday Inquiry statements*.

Ferguson and Thomson interviews

Lena Ferguson and Alexander Thomson were ITN journalists who interviewed a number of former soldiers for the purposes of a Channel 4 News investigation of Bloody Sunday, which resulted in a series of broadcasts transmitted in 1997 and 1998.

Ferret scout car

The Ferret was a lightly armoured scout car which had a two-man crew. On Bloody Sunday, Support Company, 1 PARA used one Ferret scout car, on which a Browning machine gun was mounted. This weapon was not used on Bloody Sunday.

The photograph below, taken by Colman Doyle on Bloody Sunday, shows the Ferret scout car used on that day.



Garvan Place

The first, second and third floors of the Rossville Flats were known as Garvan Place.

Gin Palace

The vehicle in which the tactical headquarters of 1 PARA was located was colloquially known as the Gin Palace.

Greener gun

See *Baton gun*.

Grimaldi tape

See *North tape*.

HQNI

Headquarters of the Army in Northern Ireland, located in Lisburn, County Antrim.

Humber armoured car

See *APC*.

IRA

Irish Republican Army. By 1972 this had split into two separate organisations, the Official IRA and the Provisional IRA. In many cases witnesses and documents referred simply to the IRA, without differentiating between these two organisations.

Jacobson interviews

See *Sunday Times interviews*.

Keville interviews

Kathleen Keville was in Londonderry in January 1972 as a researcher for a film crew making a documentary about Northern Ireland. She had met members of the local civil rights organisation on a previous visit to the city. She took part in the march on 30th January 1972. On the evening of that day and into the next, she recorded the accounts of a number of civilian witnesses on audio tape. Many of these recordings were used to prepare typed statements, which were not always verbatim transcripts of the recordings and were not generally signed by the witnesses. The Inquiry received all the original tape recordings from Kathleen Keville and arranged for them to be fully transcribed. In this report, when referring to what a witness said as recorded by Kathleen Keville, we usually describe this as the witness's "Keville interview".

Keville tapes

See *Keville interviews*.

Knights of Malta

The Order of Malta Ambulance Corps is an ambulance and first aid organisation administered by the Irish Association of the Sovereign Military Order of Malta. Several members of the Derry Unit of the Ambulance Corps were on duty at the march on 30th January 1972 and provided first aid services. They were readily identifiable in that they wore either the dress uniform of the Ambulance Corps (a grey coat and trousers with cap) or its medical uniform (a white coat). They were often, although inaccurately, described by witnesses as Knights of Malta.

L1A1

This was the technical designation for the 7.62mm self-loading rifle. See *SLR*.

L42A1

This was the technical designation for the bolt-action .303in rifle converted to take 7.62mm ammunition. See *Sniper rifle*.

L2A2

This was the technical designation for standard issue 7.62mm NATO ball ammunition, which was used in the *L1A1 SLR* and the *L42A1 sniper rifle*.

M1 carbine

The M1 carbine is a semi-automatic or self-loading weapon that, in its standard form, comes with a fixed wooden stock. It was calibrated for a .30in cartridge. The weapon is sometimes described as being of medium velocity although some witnesses to the Inquiry referred to it as a high velocity weapon. There is evidence before the Inquiry to suggest that in Londonderry on 30th January 1972 the Official IRA possessed at least one M1 carbine and the Provisional IRA at least two. The weapon was not issued to any soldiers.

The following photographs show an M1 carbine.



Mahon interviews

Paul Mahon is a former member of Liverpool City Council who completed an academic dissertation on the events of Bloody Sunday in 1997. Thereafter he undertook further substantial research into the subject with the benefit of funding from an English businessman. In the course of this research he conducted a large number of recorded interviews of witnesses. He also co-operated with some of the solicitors acting for the families of the deceased and for the wounded, and for a time was employed by those acting for two of the wounded, Michael Bradley and Michael Bridge. The great majority of those interviewed by Paul Mahon were civilian witnesses.

Paul Mahon provided the Inquiry with both audiotapes and video recordings. The Inquiry arranged for the transcription of these recorded interviews.

McGovern interviews

Jimmy (James) McGovern was the scriptwriter of *Sunday*, a dramatisation of some of the events of Bloody Sunday. The programme was co-produced by Gaslight Productions Ltd and Box TV Ltd. It was broadcast on Channel 4 on 28th January 2002 to mark the 30th anniversary of Bloody Sunday. In preparing for the programme, Jimmy McGovern and Stephen Gargan of Gaslight Productions Ltd conducted a series of interviews with civilian witnesses to the events of Bloody Sunday. These interviews were recorded on audio tape. We were supplied with transcripts of these interviews together with the recordings. In addition, members of the production team conducted a number of interviews with civilians and former soldiers, which were not recorded. The notes of these interviews, where available, were also provided to the Inquiry.

Mura Place

The fourth, fifth and sixth floors of the Rossville Flats were known as Mura Place.

Nail bombs

These were improvised explosive devices containing nails as shrapnel. In Northern Ireland in the early 1970s, the use of nail bombs was associated particularly with the Provisional IRA. The typical nail bomb used at that time was a small cylindrical anti-personnel device, designed to be thrown by hand, which contained a fuse, a high explosive charge and a quantity of nails. These were sometimes inserted into an empty food or drink can, but by 1972 it had become more common for the components to be bound together with adhesive tape than for a can to be used.

The photograph below, which was obtained from the Regimental Headquarters of the Parachute Regiment, shows an unexploded nail bomb recovered during or after a riot in 1971.



NCCL

National Council for Civil Liberties. NCCL, now known as Liberty, is a civil rights organisation based in London, to which *NICRA* was affiliated.

NICRA

Northern Ireland Civil Rights Association. NICRA was founded in 1967. The organisation campaigned for civil rights and social justice.

NICRA statements

Over a period that began on the evening of Bloody Sunday and continued for several days thereafter, statements were taken from a large number of civilian witnesses in a process co-ordinated by *NCCL* and *NICRA*. The statement takers were volunteers. They interviewed witnesses and prepared handwritten statements, which were usually signed by both the witness and the statement taker. Typed versions of these statements were then produced. The statements gathered

by NICRA and NCCL also included unsigned typed statements prepared from the recordings made by Kathleen Keville (see *Keville interviews*). We have referred to the statements collected by NICRA and NCCL either as “NICRA statements”, the term by which they were generally known during the Inquiry, or, where appropriate, as “Keville interviews”.

North tape

Susan North was the assistant of Fulvio Grimaldi, an Italian photographer and journalist. She and Fulvio Grimaldi both took part in the civil rights march on Bloody Sunday. Susan North carried a tape recorder, which she used to record some of the events that occurred on that day. The Inquiry obtained a copy of her recording and arranged for it to be transcribed. The tape is sometimes referred to as the “Grimaldi tape”.

Observer galley proofs

The *Observer* newspaper had intended to publish a substantial article about Bloody Sunday in its edition of 6th February 1972, but did not proceed because of a concern that publication might be regarded as contempt of the *Widgery Inquiry*. However, the article existed in draft form and the galley proofs have survived.

OIRA

Official Irish Republican Army. See *IRA*.

OP

Observation Post.

Petrol bombs

These were improvised devices consisting of a bottle filled with petrol (gasoline), with a fuse of cloth or similar material, which was lit before the bottle was thrown.

Pig

See *APC*.

PIRA

Provisional Irish Republican Army. See *IRA*.

Porter tapes

James Porter was an electrical engineer and radio enthusiast who had been recording Army and Royal Ulster Constabulary (*RUC*) radio communications in Londonderry since 1969. He provided the Inquiry with copies of a number of his tapes, including his recordings of transmissions on the *Brigade net* and on the RUC radio network on Bloody Sunday. The Inquiry made transcripts of these recordings.

Praxis interviews

Praxis Films Ltd, a film and television production company, made a documentary entitled *Bloody Sunday* which was broadcast as part of Channel 4's Secret History series on 5th December 1991, a few weeks before the 20th anniversary of Bloody Sunday. In the course of researching and making the programme, the producer John Goddard, the director and scriptwriter Tony Stark and the researcher Neil Davies interviewed a large number of civilian and military witnesses. Neil Davies is a former member of Support Company, 1 PARA, although he left the Army in 1969 and never served in Northern Ireland. It appears that not all of the research material for the programme survived, but the Inquiry obtained notes and transcripts of many of the interviews.

Pringle interviews

See *Sunday Times interviews*.

RMP

Royal Military Police. The RMP are the Army's specialists in investigations and policing and are responsible for policing the United Kingdom military community worldwide.

RMP maps

The *RMP statements* taken from each of the soldiers who fired live ammunition on Bloody Sunday were accompanied by a map marked in typescript to show the position of that soldier at the time he fired and the location of his target or targets. In some cases the RMP statements of soldiers who did not fire live ammunition were also accompanied by maps marked to show relevant locations.

It appears that the RMP maps were prepared after the statements were taken, from the information given in the statements. It also appears that the RMP maps were neither checked nor signed by the soldiers making the statements.

RMP statements

It was normal procedure in 1972 for the *RMP* to conduct an investigation following an incident in which a soldier had fired live ammunition. Beginning on the evening of Bloody Sunday, statements were taken from those soldiers who admitted firing shots. In addition a number of statements were taken from other soldiers. These statements were taken predominantly by members of the Special Investigation Branch (SIB) of the RMP. The statements were handwritten on standard statement forms from which typed versions were then made.

Rodgers film

Michael Rodgers, an amateur cameraman, took part in the march on 30th January 1972 and used a cine camera to film some of the events that occurred on that day. His film footage was later transferred to a video recording, a copy of which was provided to the Inquiry.

Rubber bullet gun

See *Baton gun*.

RUC

Royal Ulster Constabulary. This was the civilian police force in Northern Ireland. The present police force is called the Police Service of Northern Ireland (PSNI).

RUC gun

See *Baton gun*.

RUC statements

On and after Bloody Sunday, *RUC* officers took statements from a number of witnesses, including several of those who had been wounded. *RUC* officers who had been on duty in Londonderry also submitted reports to their superiors of what they had themselves seen and heard.

Saracen

See *APC*.

Sayle Report

Harold Evans was editor of the *Sunday Times* newspaper in January 1972. He informed this Inquiry that immediately after the events of Bloody Sunday he sent general reporters Murray Sayle and Derek Humphry, along with Peter Pringle of the *Sunday Times* Insight Team, to Londonderry. At some stage that week Murray Sayle, Derek Humphry and (he thought) Peter Pringle telephoned in their findings. Harold Evans told us that these findings ran into two difficulties. In the first place, those in charge of the Insight Team were concerned as to whether the sources had been exposed to close enough scrutiny. They were strongly against publishing what came to be known as the Sayle Report as it stood. The second consideration in Harold Evans' mind regarding the Sayle Report was that Lord Widgery, the Lord Chief Justice, had made it clear that he would regard publication during his inquiry as a serious handicap, so much so that he would regard such publication as a contempt of court. These two considerations led Harold Evans to decide not to publish the article, but to conduct another investigation, using the *Sunday Times* Insight Team, led by John Barry. The *Sunday Times* provided this Inquiry with a copy of the Sayle Report. See also *Sunday Times interviews*.

SLR

The *L1A1* self-loading rifle (SLR) was the standard issue high velocity rifle in general infantry service in the Army in 1972. It was used with 7.62mm *L2A2* ammunition. On Bloody Sunday the majority of soldiers carried SLRs.

The following photographs show an SLR.





SMG

Sub-machine gun. See *Sterling sub-machine gun* and *Thompson sub-machine gun*.

Sniper rifle

The *L42A1* sniper rifle was a bolt action .303in rifle converted to take 7.62mm *L2A2* ammunition. On Bloody Sunday a small number of soldiers carried sniper rifles.

The photographs below show a sniper rifle.



Sterling sub-machine gun

The Sterling was a low velocity 9mm SMG. A small number of soldiers carried Sterling SMGs on Bloody Sunday. The Derry Brigade of the Official IRA may also have possessed a Sterling SMG.

The following photographs show a Sterling SMG.



***Sunday Times* interviews**

In the week following Bloody Sunday, journalists from the Insight Team of the *Sunday Times* newspaper began a major investigation of the events of that day. The investigation continued while the *Widgery Inquiry* was sitting, and culminated in the publication of a substantial article in the *Sunday Times* on 23rd April 1972, four days after the report of the Widgery Inquiry had been presented to Parliament. The Insight editor, John Barry, led the investigation. He and two other Insight journalists, Philip Jacobson and Peter Pringle, interviewed a large number of witnesses in Londonderry, including members of the Official IRA and Provisional IRA. The *Sunday Times* provided this Inquiry with such material from the Insight investigation, including notes and transcripts of the interviews conducted by John Barry and his colleagues, as has survived in the newspaper's archive.

Taylor interviews

Peter Taylor is a broadcaster and author who has made many documentaries and written several books about the conflict in Northern Ireland since his first visit there on Bloody Sunday. He conducted on-the-record filmed interviews of a number of civilian and military witnesses in the

course of making a documentary entitled *Remember Bloody Sunday*, which was broadcast by the BBC on 28th January 1992 to mark the 20th anniversary of Bloody Sunday. Transcripts of these interviews were supplied to the Inquiry.

Thompson sub-machine gun

The Thompson SMG is a low velocity automatic weapon also capable of firing single shots. There is evidence before the Inquiry to suggest that on 30th January 1972 the Official IRA in Londonderry possessed at least one Thompson SMG and the Provisional IRA at least two. The weapon was not issued to any soldiers.

The photograph below shows a Thompson SMG.



Trajectory photographs

At the request of the *Widgery Inquiry*, a series of aerial photographs of the relevant area of Londonderry was created in February 1972 to illustrate the trajectories of the shots that soldiers claimed to have fired on Bloody Sunday. Each photograph was marked to show the positions of the soldier and of his target, as the soldier had described them; the line of fire between those positions; and in some cases the number of shots that the soldier claimed to have fired. One or more of these photographs was created for each soldier of 1 PARA who acknowledged that he had fired his rifle on Bloody Sunday.

Ulsternet

The Ulsternet was a radio network used by the Army throughout Northern Ireland at the time of Bloody Sunday. It provided the main radio link between the headquarters of each brigade and the units under its command. Transmissions on the Ulsternet could be monitored at HQNI but the system was not used as the primary means of communication between HQNI and 8th Infantry

Brigade headquarters. The Ulsternet was in use on Bloody Sunday as the *Brigade net*, providing communications between 8th Infantry Brigade Headquarters at Ebrington Barracks and the units under its command, including 1 PARA.

Virtual reality model

This was a computer simulation of the Bogside as it was in 1972, which was developed for use by this Inquiry in order to assist witnesses in giving their accounts of what they had heard and seen on Bloody Sunday. This was of particular assistance because the area has changed since 1972.

Widgery Inquiry

Following resolutions passed on 1st February 1972 in both Houses of Parliament at Westminster and in both Houses of the Parliament of Northern Ireland, the Lord Chief Justice of England, Lord Widgery, was appointed to conduct an Inquiry under the Tribunals of Inquiry (Evidence) Act 1921 into “*the events on Sunday, 30th January which led to loss of life in connection with the procession in Londonderry on that day*”. Lord Widgery was the sole member of the Tribunal. He sat at the County Hall, Coleraine, for a preliminary hearing on 14th February 1972 and for the main hearings from 21st February 1972 to 14th March 1972. He heard closing speeches on 16th, 17th and 20th March 1972 at the Royal Courts of Justice in London. The Report of the Widgery Inquiry was presented to Parliament on 19th April 1972.

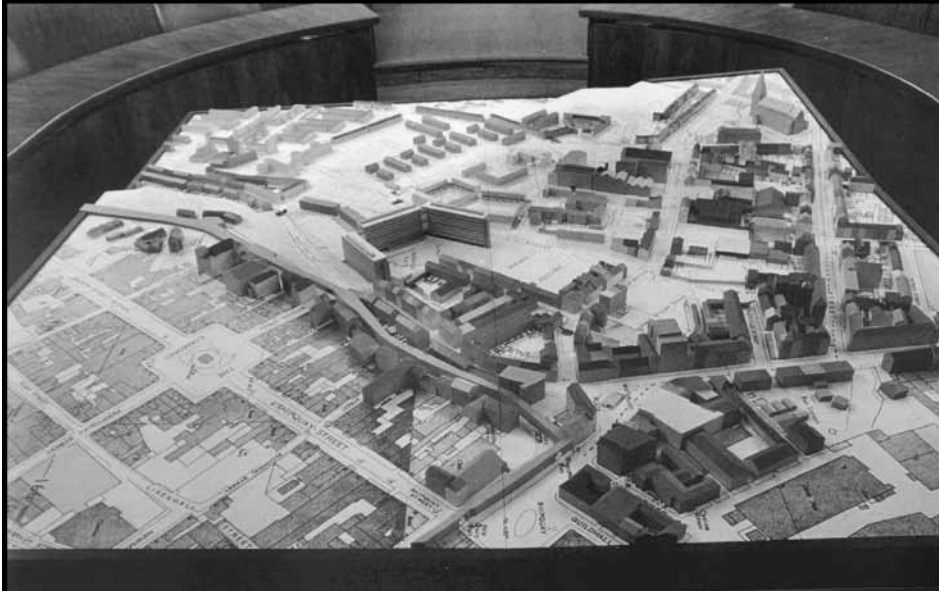
Widgery statements

The Deputy Treasury Solicitor, Basil Hall (later Sir Basil Hall), was appointed as the Solicitor to the *Widgery Inquiry*. For the purposes of that Inquiry, he and his assistants interviewed a large number of witnesses and prepared written statements from the interviews. A smaller number of witnesses submitted their own statements to the Widgery Inquiry, either directly or through solicitors. This Inquiry obtained copies of all the Widgery Inquiry statements.

Widgery transcripts

Transcripts are available of all the oral hearings of the Widgery Inquiry. During those hearings, witnesses were often asked to illustrate their evidence by reference to a model of the Bogside area which had been made for that purpose. It is occasionally not possible to follow the explanation recorded in the transcripts without knowing to which part of the model the witness was pointing.

This Inquiry tried unsuccessfully to locate the model used at the Widgery Inquiry. Although the original model appears not to have survived, it can be seen in the following photograph.



Widgery Tribunal

See *Widgery Inquiry*.

Yellow Card

Every soldier serving in Northern Ireland was issued with a copy of a card, entitled “Instructions by the Director of Operations for Opening Fire in Northern Ireland”, which defined the circumstances in which he was permitted to open fire. This card was known as the Yellow Card. All soldiers were expected to be familiar with, and to obey, the rules contained in it. The Yellow Card was first issued in September 1969 and was revised periodically thereafter. The fourth edition of the Yellow Card, issued in November 1971, was current on 30th January 1972.

List of Army ranks

The list below shows, in order of seniority, the Army ranks to which we refer in this report, together with the abbreviations sometimes used for them. Lieutenant Generals and Major Generals are both commonly referred to and addressed simply as General, and similarly Lieutenant Colonels as Colonel.

Officers	
Field Marshal	FM
General	Gen
Lieutenant General	Lt Gen
Major General	Maj Gen
Brigadier	Brig
Colonel	Col
Lieutenant Colonel	Lt Col
Major	Maj
Captain	Capt
Lieutenant	Lt
Second Lieutenant	2 Lt

Warrant Officers	
Warrant Officer Class I	WOI
Warrant Officer Class II	WOII

Senior non-commissioned officers		<i>Equivalent ranks</i>	
Colour Sergeant	C/Sgt	Staff Sergeant	S/Sgt
Sergeant	Sgt		

Junior non-commissioned officers		<i>Equivalent ranks</i>	
Corporal	Cpl	Lance Sergeant	L/Sgt
		Bombardier	Bdr
Lance Corporal	L/Cpl	Lance Bombardier	L/Bdr

Soldiers		<i>Equivalent ranks</i>	
Private	Pte	Guardsmen	Gdsm
		Gunner	Gnr
		Rifleman	Rfn

Principal Conclusions and Overall Assessment

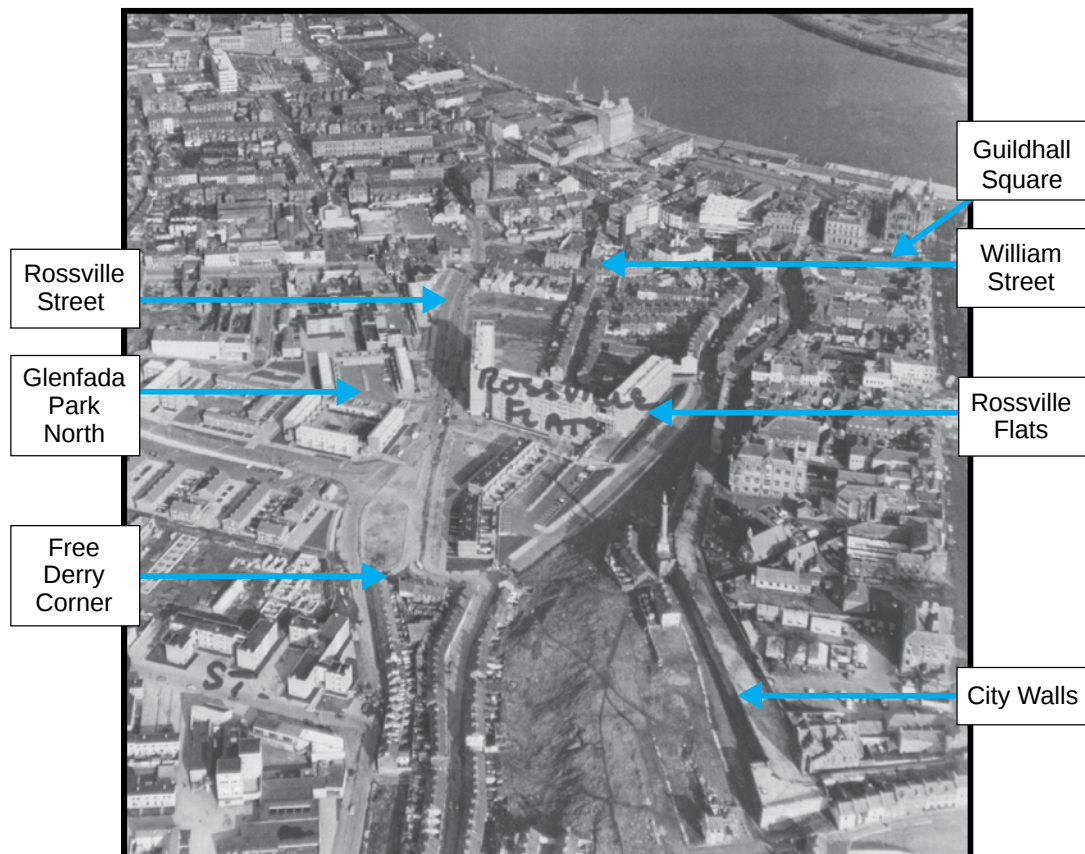
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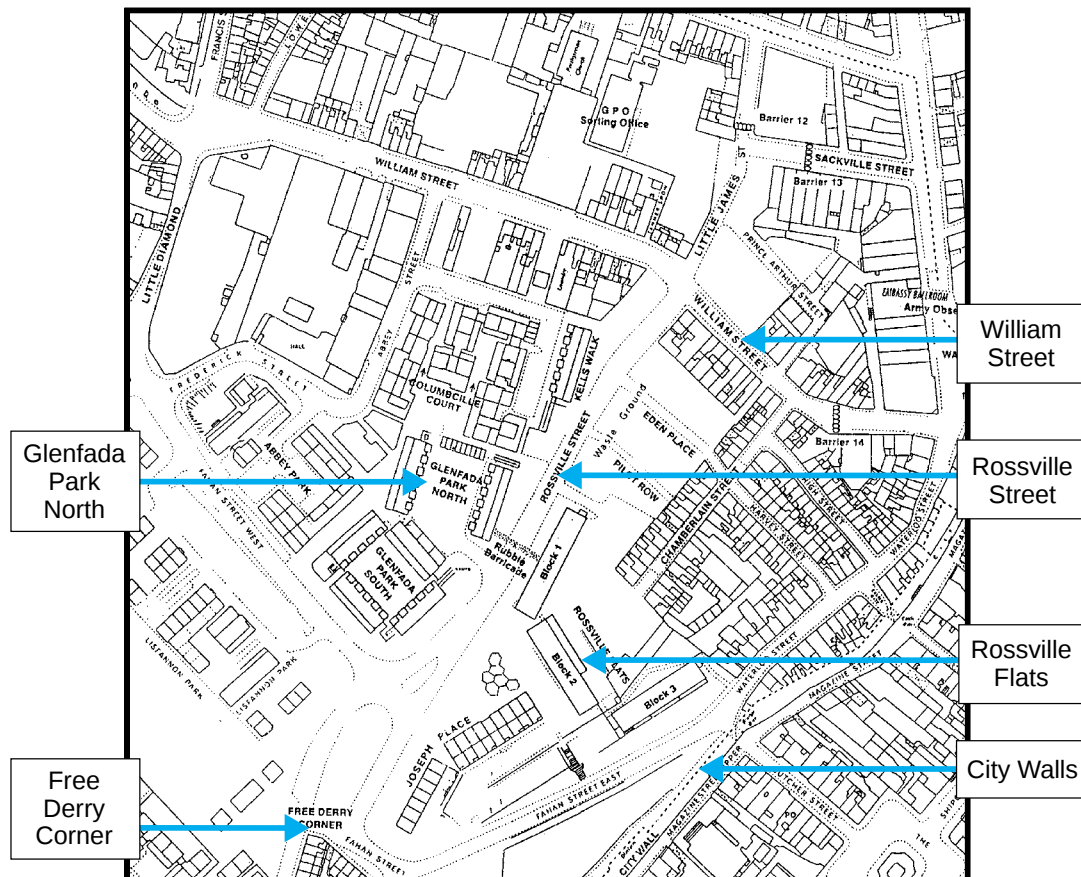
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Chapter 1: Introduction

- 1.1** The object of the Inquiry was to examine the circumstances that led to loss of life in connection with the civil rights march in Londonderry on 30th January 1972. Thirteen civilians were killed by Army gunfire on the day. The day has become generally known as Bloody Sunday, which is why at the outset we called this Inquiry the Bloody Sunday Inquiry. In 1972 Lord Widgery, then the Lord Chief Justice of England, held an inquiry into these same events.
- 1.2** In these opening chapters of the report we provide an outline of events before and during 30th January 1972; and collect together for convenience the principal conclusions that we have reached on the events of that day. We also provide our overall assessment of what happened on Bloody Sunday. This outline, our principal conclusions and our overall assessment are based on a detailed examination and evaluation of the evidence, which can be found elsewhere in this report. These chapters should be read in conjunction with that detailed examination and evaluation, since there are many important details, including our reasons for the conclusions that we have reached, which we do not include here, in order to avoid undue repetition.
- 1.3** The Inquiry involved an examination of a complex set of events. In relation to the day itself, most of these events were fast moving and many occurred more or less simultaneously. In order to carry out a thorough investigation into events that have given rise to great controversy over many years, our examination necessarily involved the close consideration and analysis of a very large amount of evidence.
- 1.4** In addition to those killed, people were also injured by Army gunfire on Bloody Sunday. We took the view at the outset that it would be artificial in the extreme to ignore the injured, since those shooting incidents in the main took place in the same circumstances, at the same times and in the same places as those causing fatal injuries.
- 1.5** We found it necessary not to confine our investigations only to what happened on the day. Without examining what led up to Bloody Sunday, it would be impossible to reach a properly informed view of what happened, let alone of why it happened. An examination of what preceded Bloody Sunday was particularly important because there had been allegations that members of the United Kingdom and Northern Ireland Governments, as well as the security forces, had so conducted themselves in the period up to Bloody Sunday that they bore a heavy responsibility for what happened on that day.

- 1.6 Many of the soldiers (including all those whose shots killed and injured people on Bloody Sunday) were granted anonymity at the Inquiry, after rulings by the Court of Appeal in London. We also granted other individuals anonymity, on the basis of the principles laid down by the Court of Appeal. Those granted anonymity were given ciphers in place of their names. We have preserved their anonymity in this report.
- 1.7 Londonderry is the second largest city in Northern Ireland. It lies in the north-west, close to the border with the country of Ireland. The River Foyle flows through the city. The area of the city with which this report is principally concerned lies on the western side of this river, as does the old walled part of the city. We show the western part of the city and certain important features as they were in 1972 in the following photograph and map.





Chapter 2: Outline of events before the day

- 2.1** Londonderry in January 1972 was a troubled city with a divided society, in a troubled and divided country. Throughout much of Northern Ireland there were deep and seemingly irreconcilable divisions between nationalists (predominantly Roman Catholic and a majority in the city) and unionists (generally Protestant and a majority in Northern Ireland as a whole). In general terms the former wanted Northern Ireland to leave the United Kingdom and unite with the rest of Ireland, while the latter wanted it to remain part of the United Kingdom.
- 2.2** This sectarian divide, as it was called, had existed for a long time. Among other things, it had led in the years preceding Bloody Sunday to many violent clashes between the two communities and with the police, then the Royal Ulster Constabulary (RUC). The police had become regarded by many in the nationalist community not as impartial keepers of the peace and upholders of the law, but rather as agents of the unionist Northern Ireland Government, employed in their view to keep the nationalist community subjugated, often by the use of unjustifiable and brutal force.
- 2.3** On 14th August 1969, after there had been particularly violent clashes between civilians and the police in Londonderry, the authorities brought into the city units of the British Army as an aid to the civil power, in other words to restore law and order. The British Army was in the city in this role on Bloody Sunday.
- 2.4** There was a further dimension in the form of paramilitary organisations. By the beginning of the 1970s the Irish Republican Army (IRA) had split into two organisations known respectively as the Provisional IRA and the Official IRA. These paramilitary organisations (often referred to simply as the IRA, though they were distinct organisations) had restarted a campaign of armed violence, in the belief that only by such means could Northern Ireland be freed from what they regarded as the yoke of British colonial domination and become part of a united Ireland. There were also those on the unionist side of the sectarian divide who organised and used armed violence in the belief that this was required to maintain the union with the United Kingdom.
- 2.5** This further dimension meant that the security forces, in addition to their other responsibilities, had to deal with those using armed violence.

- 2.6** The situation in Londonderry in January 1972 was serious. By this stage the nationalist community had largely turned against the soldiers, many believing that the Army, as well as the RUC, were agents of an oppressive regime. Parts of the city to the west of the Foyle lay in ruins, as the result of the activities of the IRA and of rioting young men (some members of the IRA or its junior wing, the Fianna) known to soldiers and some others as the “Derry Young Hooligans”. A large part of the nationalist area of the city was a “no go” area, which was dominated by the IRA, where ordinary policing could not be conducted and where even the Army ventured only by using large numbers of soldiers.
- 2.7** The armed violence had led to many casualties. There had been numerous clashes between the security forces and the IRA in which firearms had been used on both sides and in which the IRA had thrown nail and petrol bombs. Over the months and years before Bloody Sunday civilians, soldiers, policemen and IRA gunmen and bombers had been killed and wounded; and at least in Londonderry, in January 1972 the violence showed few signs of abating.
- 2.8** In August 1971 the Northern Ireland Government (with the agreement of the United Kingdom Government) had introduced internment without trial of suspected terrorists; and at the same time had imposed a ban on marches and processions, giving as the reason that the former would assist in dealing with armed violence and that the latter would reduce the opportunity for violent confrontations between nationalists and unionists.
- 2.9** The nationalist community in particular regarded internment without trial with abhorrence, considering it yet another illegitimate means employed by the unionist Government. Both nationalists and unionists expressed opposition to the ban on marches and processions.
- 2.10** Many people were interned without trial, almost without exception Catholics from the nationalist community. Over the following months there were allegations that those held had been mistreated, allegations that in significant respects were eventually found to have substance.
- 2.11** By January 1972 the Northern Ireland Civil Rights Association had decided to defy the ban on marches. In particular they organised a march in Londonderry to protest against internment without trial. This was the march that took place on Bloody Sunday.
- 2.12** The authorities knew of the proposed march and that the organisers had planned a route to Guildhall Square (also known as Shipquay Place), outside the city Guildhall, where prominent people would address the marchers. The authorities took the view that the security forces should prevent the march from proceeding as planned, fearing that this

flouting of the ban would undermine law and order and would be likely to lead to a violent reaction from unionists. This view prevailed, notwithstanding a contrary view expressed by Chief Superintendent Frank Lagan, the senior police officer in charge of the Londonderry area, who advised that the march should be allowed to proceed. The march was expected to be too large for the police to be able to control it themselves, so the Army shouldered the main burden of dealing with it. The plan that emerged was to allow the march to proceed in the nationalist areas of the city, but to stop it from reaching Guildhall Square by erecting barriers on the roads leading to Guildhall Square, manned by soldiers who were stationed in the area. In the circumstances that obtained at the time, and despite the view expressed by Chief Superintendent Lagan, it was not unreasonable of the authorities to seek to deal with the march in this way.

- 2.13** At the beginning of January 1972, Major General Robert Ford, then Commander of Land Forces in Northern Ireland, had visited Londonderry. He wrote a confidential memorandum to Lieutenant General Sir Harry Tuzo, his senior and the General Officer Commanding Northern Ireland, in which he expressed himself disturbed by the attitude of the officers commanding the resident troops and that of Chief Superintendent Lagan. He recorded that they had told him that the area of damage in the city was extending and that even the major shopping centre would be destroyed in the coming months. He referred in particular to the “Derry Young Hooligans” as a factor in the continued destruction of the city, and expressed the view that the Army was “*virtually incapable*” of dealing with them. He also expressed the view that he was coming to the conclusion that the minimum force required to deal with the “Derry Young Hooligans” was, after clear warnings, to shoot selected ringleaders.
- 2.14** The suggestion that selected ringleaders should be shot was not put forward as a means of dealing with the forthcoming civil rights march or any rioting that might accompany it.
- 2.15** As part of the plan for dealing with the march, what General Ford did do was to order that an additional Army battalion be sent to the city to be used to arrest rioters if, which was expected to happen, the march was followed by rioting. Initially he expressed the view that such a force might be able to arrest a large number of rioters and by that means significantly decrease the activities of the “Derry Young Hooligans”.
- 2.16** To that end General Ford ordered that 1st Battalion, The Parachute Regiment (1 PARA), which was stationed near Belfast, should travel to Londonderry and be used as the arrest force.

- 2.17** The detailed plan for controlling the march was the responsibility of Brigadier Patrick MacLellan, the Commander of 8th Infantry Brigade, which was the Army brigade in charge of the Londonderry area. The Operation Order (for what was called Operation Forecast) set out the plan that Brigadier MacLellan and his staff had prepared. The Operation Order provided for the use of 1 PARA as the arrest force, but also made clear in express terms that any arrest operation was to be mounted only on the orders of the Brigadier.

Chapter 3: The events of the day

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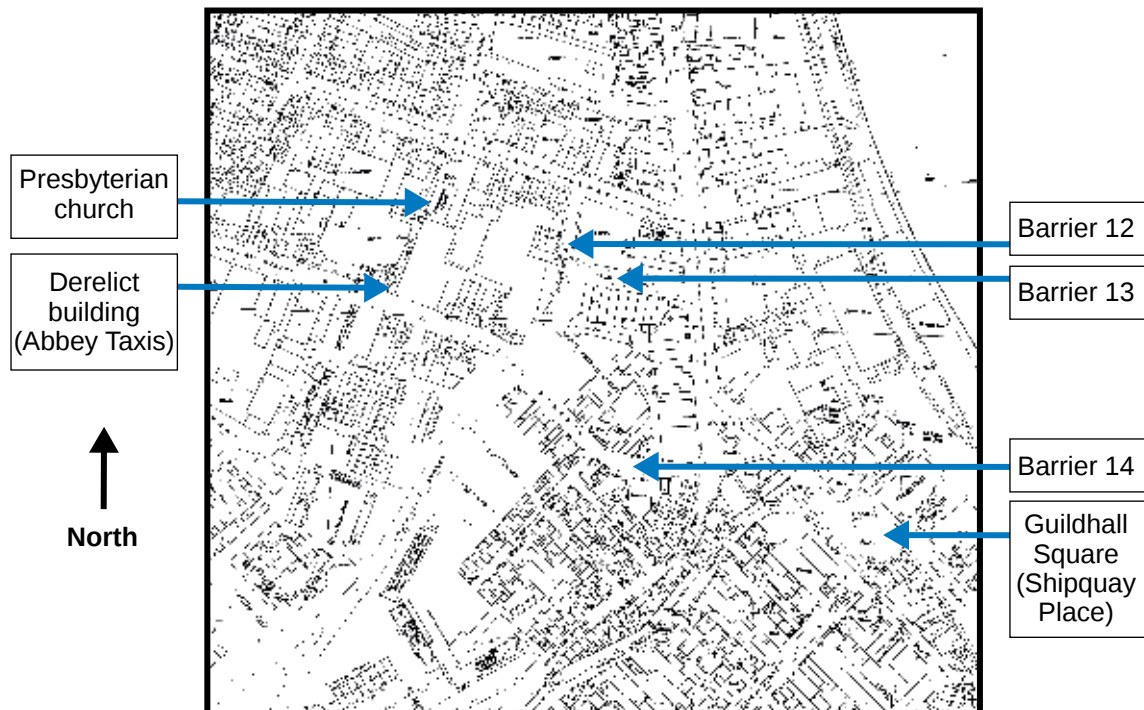
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Events before the arrest operation

- 3.1

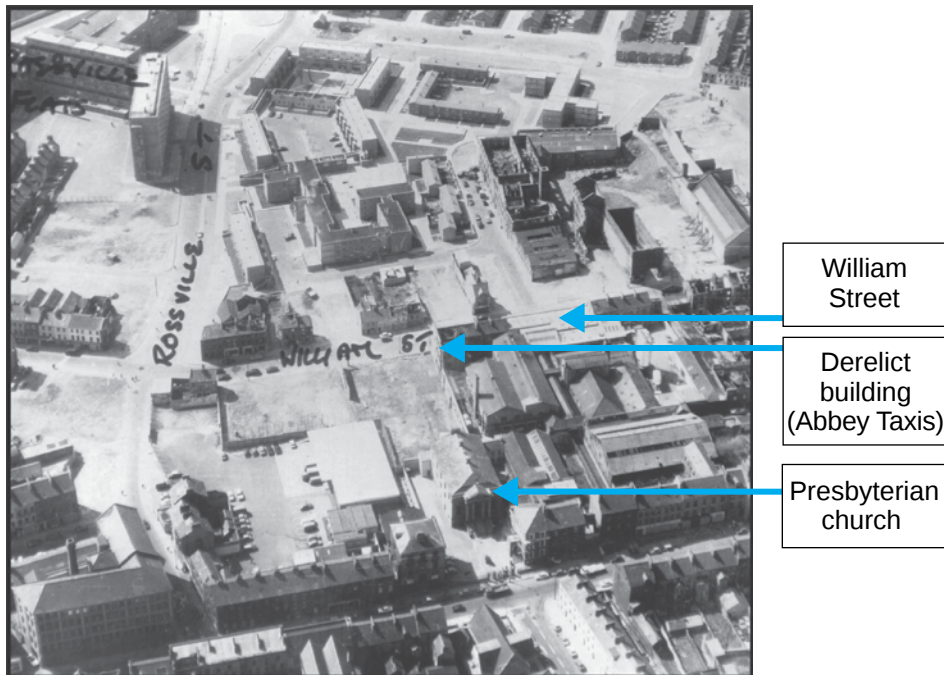
1 PARA arrived in Londonderry on the morning of Sunday 30th January 1972. During the morning and early afternoon Lieutenant Colonel Derek Wilford, the Commanding Officer of 1 PARA, organised the disposition of his soldiers in the city. In addition, the soldiers stationed in the area erected barricades on the streets leading to Guildhall Square and manned those barriers.
- 3.2

We set out below a map showing some significant buildings, the position of the three most important of the barriers and the numbers that were given to them.



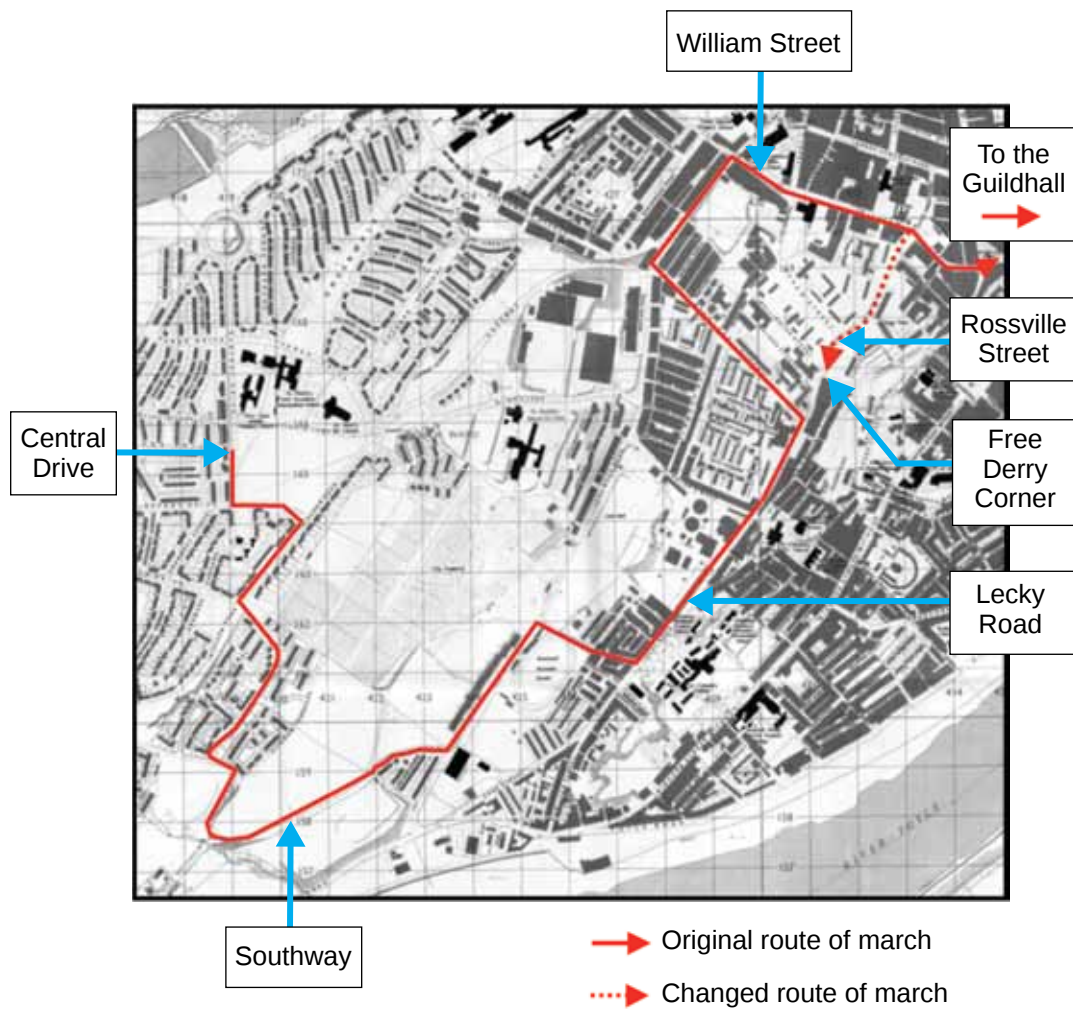
3.3

Colonel Wilford placed Support Company, one of the companies of 1 PARA, near the Presbyterian church in Great James Street. His initial plan was to send soldiers from there directly south into William Street if rioting broke out in the area and Brigadier MacLellan ordered an arrest operation. However, Colonel Wilford then realised that there were walls that made it difficult for soldiers to move at any speed from Great James Street into William Street, so in order to reduce this drawback he ordered the Commander of Support Company (Major Edward Loden) to be ready to locate one of his platoons in a derelict building (often called “Abbey Taxis” after a taxi firm that once operated from there) on the William Street side of the Presbyterian church. Major Loden selected Machine Gun Platoon for this task and sent this platoon forward. We show below a photograph in which we have identified William Street, the Presbyterian church and the derelict building.



3.4

Meanwhile the civil rights march, many thousands strong, had started in the Creggan area of the city and made its way by a circuitous route through the nationalist part of the city and into William Street. The organisers had planned for and advertised the march to go to Guildhall Square, but at the last moment, knowing that the security forces were going to prevent the march from reaching this destination, they decided instead on a different route; so that when the march reached the junction of William Street and Rossville Street, it would turn right and go along Rossville Street to Free Derry Corner in the Bogside, where there would be speeches. We set out below a map that indicates the original and changed routes of the march and a photograph showing the march proceeding down William Street.



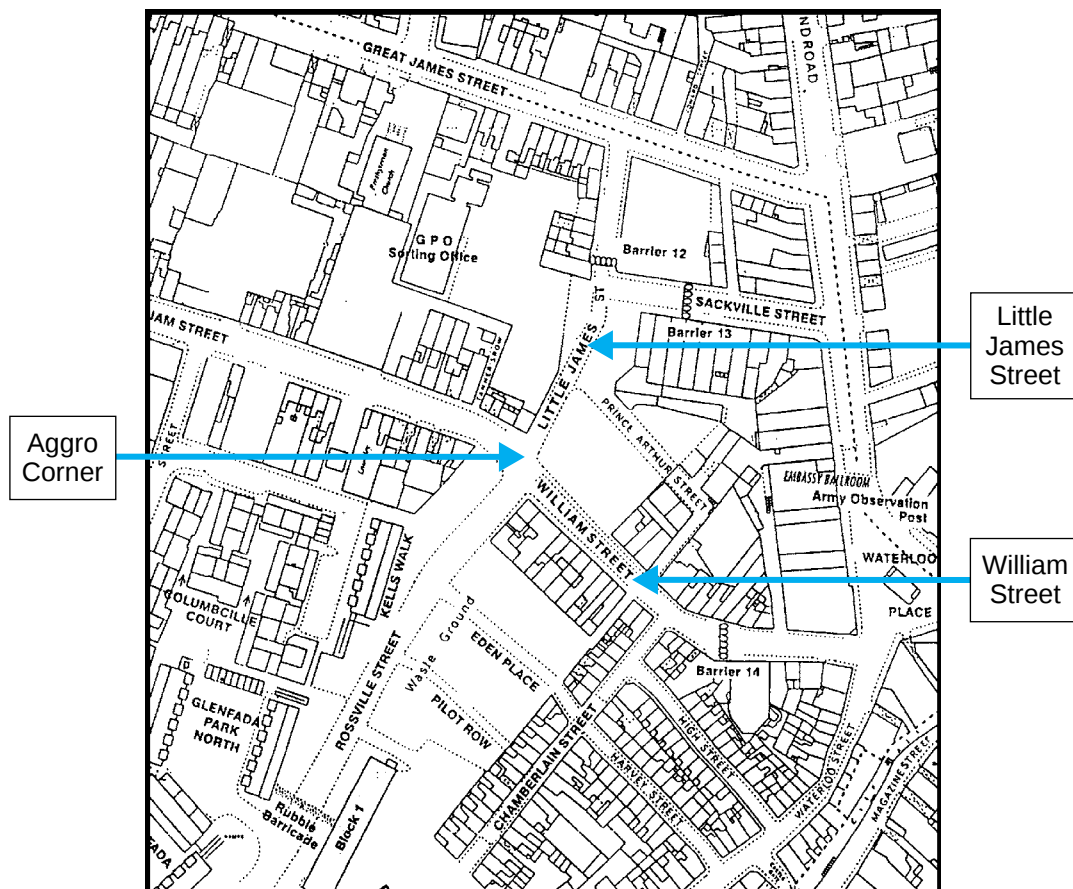
- 3.5 When the march reached the junction of William Street, and Rossville Street, many people, including those who were eager for a confrontation with the security forces, instead of turning right into Rossville Street to go to Free Derry Corner, continued along William Street to the Army barrier there, Barrier 14.



- 3.6 Shortly after the arrival of people at Barrier 14, rioting broke out there, in the form of members of the crowd throwing stones and similar missiles at the soldiers. In addition, further back, similar rioting broke out at the barriers closing Little James Street and Sackville Street, Barriers 12 and 13. As can be seen from the map shown at paragraph 3.2 above, Little James Street led north from the junction of William Street and Rossville Street, a junction known to soldiers and some others at the time as "Aggro Corner", because it had frequently been an area for riots. Sackville Street led east from Little James Street. There was also rioting of a similar kind further west along William Street, in the area where Machine Gun Platoon was located.
- 3.7 The soldiers at the barriers responded to the rioting by firing baton rounds (often called rubber bullets) and at Barrier 12 (and perhaps Barrier 13) by firing CS gas. At Barrier 14, rioters themselves threw a canister of CS gas at the soldiers, while the soldiers there, in addition to firing baton rounds, deployed a water cannon and sprayed the rioters (and others who were there) in an attempt to disperse them. The soldiers at Barrier 14 (who were from 2nd Battalion, The Royal Green Jackets) acted with restraint in the face of the rioting at this barrier and deployed no more than properly proportionate force in seeking to deal with it.

3.8

While this rioting was taking place and at just after 1555 hours, Colonel Wilford, who had taken up a position close to the Presbyterian church, sent a radio message to Brigade Headquarters (stationed at Ebrington Barracks on the other side of the River Foyle) in which he suggested sending one of his companies through Barrier 14 (the barrier on William Street) into the area of William Street and Little James Street (ie the area of and to the north of Aggro Corner) on the grounds that by doing so he might be able to arrest a number of rioters. We set out below a map on which we show this area.



3.9

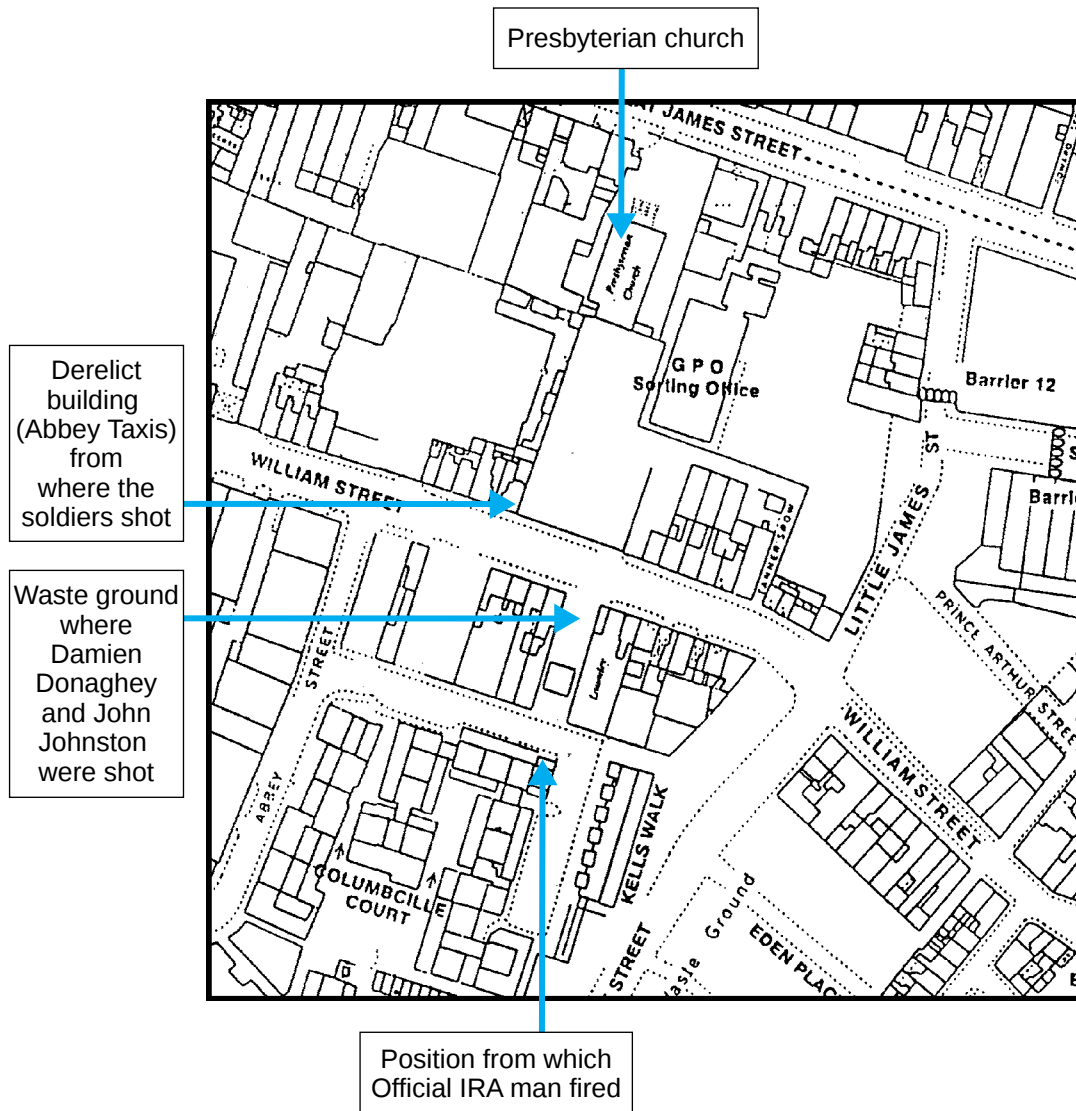
Brigadier MacLellan, who was at Brigade Headquarters, did not give an order for an arrest operation until some minutes later.

3.10

At about the same time as Colonel Wilford sent this message, two soldiers of Machine Gun Platoon fired between them five shots from the derelict building on William Street, shown on the map below. Their target was Damien Donaghey (aged 15), who was on the other side of William Street and who was wounded in the thigh. Unknown to the soldiers John Johnston (aged 55), who was a little distance behind Damien Donaghey, was also hit and injured by fragments from this gunfire.

3.11

Shortly after this incident a member of the Official IRA (given the cipher OIRA 1) fired a rifle at soldiers who were on a wall on the side of the Presbyterian church. The shot was fired from a position across William Street. We set out below a map showing the area in which these casualties occurred and the position from which OIRA 1 fired.



3.12

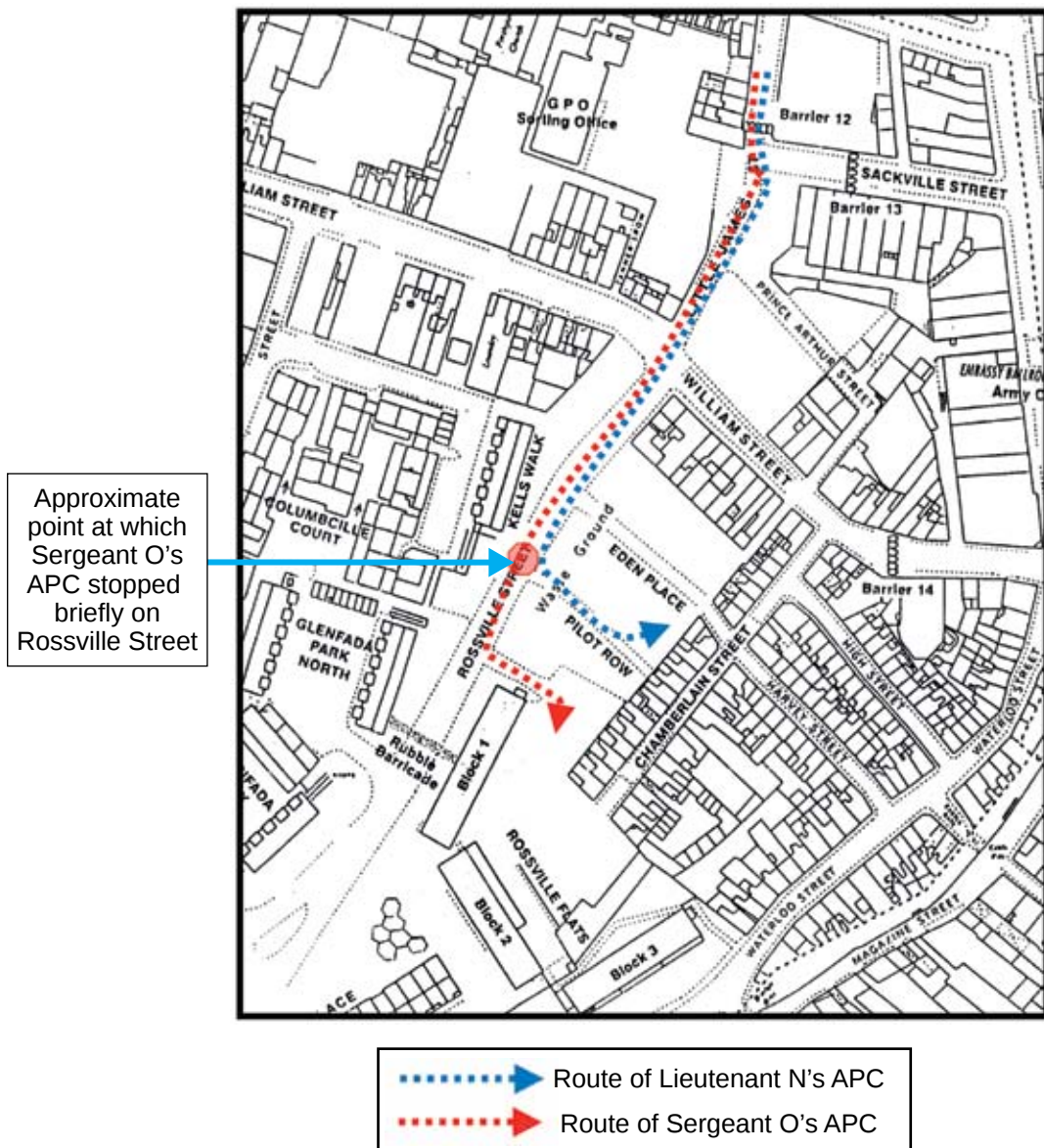
The shot fired by OIRA 1 missed soldiers and hit a drainpipe running down the side of the Presbyterian church. OIRA 1 and another Official IRA man with him (OIRA 2) insisted that this shot had been fired as a reprisal for the shooting of Damien Donaghey and John Johnston. We were not convinced of this, although we considered on balance that the IRA shot was fired after the wounding of Damien Donaghey and John Johnston. In our view these two Official IRA members had gone to a pre-arranged sniping position in order to fire at the soldiers; and probably did so when an opportunity presented itself rather than because two civilians had been injured.

- 3.13** At around the time of these incidents Colonel Wilford abandoned his initial plan to send Support Company soldiers from Great James Street directly south into William Street if he got the order to mount an arrest operation; and instead told Support Company to be prepared to go in vehicles through Barrier 12, the barrier in Little James Street.

The arrest operation

- 3.14** At 1607 hours Brigadier MacLellan gave 1 PARA orders by radio to mount an arrest operation by sending one company of 1 PARA through Barrier 14 in William Street, but not to conduct a running battle down Rossville Street. In its context, the prohibition on conducting a running battle down Rossville Street meant that the soldiers were not to chase people down that street.
- 3.15** Brigadier MacLellan had delayed giving an order for an arrest operation because he was correctly concerned that there should be separation between rioters and peaceful marchers before launching an operation to arrest the former. He gave the order when he had reasonable grounds for believing that there was such separation in the area for arrests that Colonel Wilford had previously identified.
- 3.16** This order was responsive to the request made by Colonel Wilford some 12 minutes earlier. In other words, Brigadier MacLellan authorised the arrest operation suggested by Colonel Wilford. The second part of this order reflected Brigadier MacLellan's anxiety that the soldiers should not become mixed up with the peaceful marchers further along Rossville Street.
- 3.17** The arrest operation ordered by the Brigadier was accordingly limited to sending one company through Barrier 14 in William Street, in an attempt to arrest rioters in the area of and to the north of Aggro Corner.
- 3.18** Colonel Wilford did not comply with Brigadier MacLellan's order. He deployed one company through Barrier 14 as he was authorised to do, but in addition and without authority he deployed Support Company in vehicles through Barrier 12 in Little James Street. As we describe below, the vehicles travelled along Rossville Street and into the Bogside, where the soldiers disembarked. The effect was that soldiers of Support Company did chase people down Rossville Street. Some of those people had been rioting but many were peaceful marchers. There was thus no separation between peaceful marchers and those who had been rioting and no means whereby soldiers could identify and arrest only the latter.

- 3.19** Colonel Wilford either deliberately disobeyed Brigadier MacLellan's order or failed for no good reason to appreciate the clear limits on what he had been authorised to do. He was disturbed by the delay in responding to his request to mount an arrest operation and had concluded that, by reason of the delay, the only way to effect a significant number of arrests was to deploy Support Company in vehicles into the Bogside. He did not inform Brigade of this conclusion. Had he done so, Brigadier MacLellan might well have called off the arrest operation altogether, on the grounds that this deployment would not have provided sufficient separation between rioters and civil rights marchers.
- 3.20** Colonel Wilford did not pass on to Major Loden (the Commander of Support Company) the Brigadier's injunction on chasing people down Rossville Street, nor did he impose any limits on how far the soldiers of Support Company should go. Colonel Wilford's evidence was that it was not necessary to do either of these things, as he understood the injunction as prohibiting his soldiers from chasing rioters down to Free Derry Corner or beyond and because his soldiers already knew that they should not go further than about 200 or 250 yards from their starting point. Colonel Wilford should have understood that he was being ordered not to chase rioters any distance down Rossville Street.
- 3.21** The vehicles of Support Company went through Barrier 12. The two leading vehicles, which were Armoured Personnel Carriers (APCs), held soldiers of Mortar Platoon. The first of these vehicles (which carried the Commander of Mortar Platoon, Lieutenant N, and other soldiers) went along Rossville Street and then turned left onto an area of waste ground called the Eden Place waste ground, where the soldiers disembarked. Beyond the waste ground were three high blocks of flats known as the Rossville Flats. In the area partly surrounded by these blocks there was a car park. The second vehicle (under the command of Sergeant O, the Platoon Sergeant of Mortar Platoon) went further along Rossville Street than the first vehicle, stopped briefly on that street where some of the soldiers disembarked, and then turned left and stopped in the entrance to the car park of the Rossville Flats, where the remaining soldiers disembarked. This was about 230 yards from Barrier 12. We set out below a map showing the route these vehicles took and photographs showing the positions they reached, which were in that part of the "no go" area of the city called the Bogside.



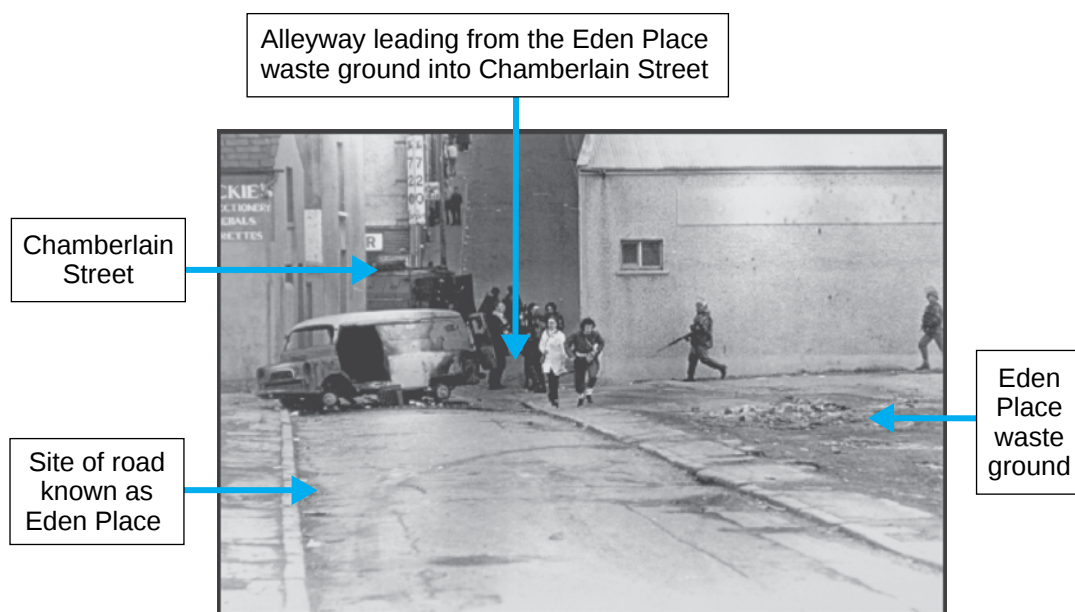
Lieutenant N's APC

Rossville
Street

Sergeant O's APC

Block 1
of the
Rossville
Flats

- 3.22** Many civilians were in the area of the Eden Place waste ground and the car park of the Rossville Flats when the vehicles of Support Company drove into the Bogside. On seeing the Army vehicles these people started to run away. Shortly before it stopped in the car park of the Rossville Flats the vehicle under the command of Sergeant O struck two people, Alana Burke and Thomas Harkin. This was not done deliberately.
- 3.23** On disembarking soldiers fired baton rounds and some sought to make arrests. Only six arrests were made in this area as the people there when the vehicles arrived rapidly dispersed.
- 3.24** After disembarking Lieutenant N went towards an alleyway that led from the Eden Place waste ground into Chamberlain Street, which was a street to the east of the Eden Place waste ground that ran parallel to Rossville Street. The alleyway is shown in the following photograph.

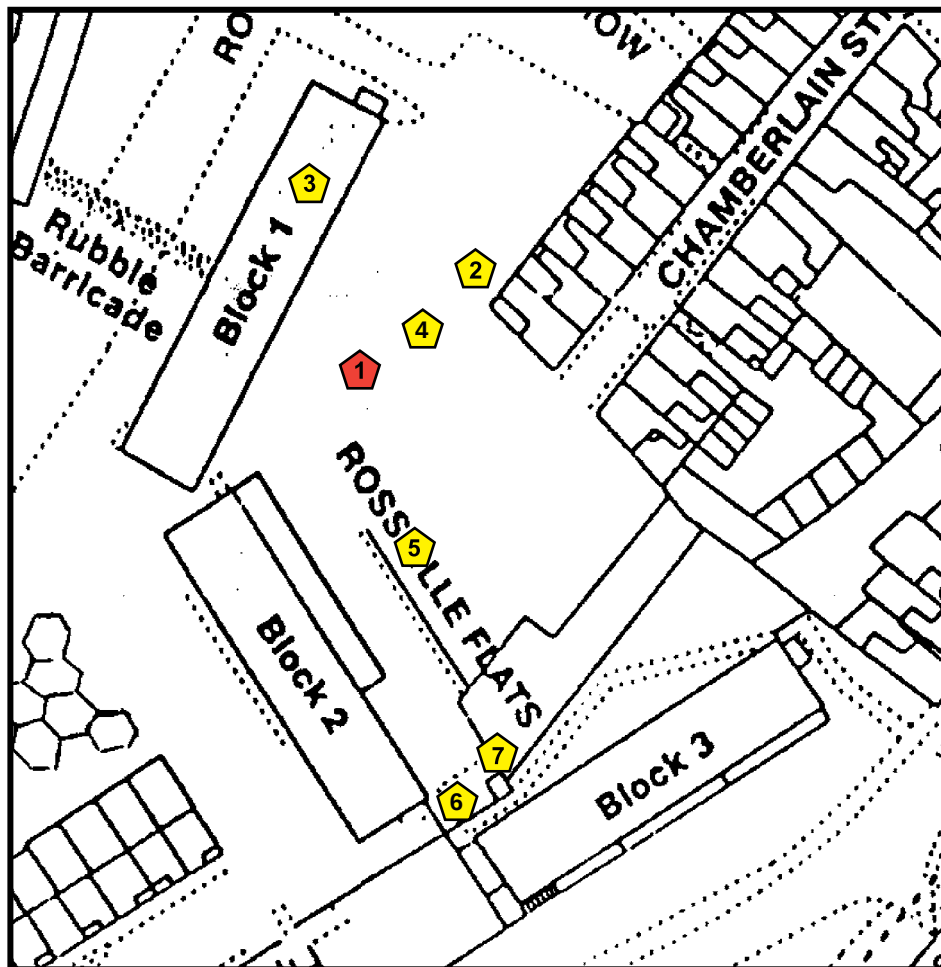


- 3.25** Shortly after arriving at the entrance to the alleyway, Lieutenant N fired two rounds from his rifle over the heads of people who were in the alleyway or in Chamberlain Street at the end of the alleyway and soon afterwards fired a third round in the same direction. These people had come from the area around Barrier 14 in William Street. Some of them had been attempting to rescue a man who had been arrested by one of the soldiers with Lieutenant N and some were throwing stones and similar missiles at the soldiers.

- 3.26** The shots fired by Lieutenant N hit buildings, but injured no-one. These were the first rifle shots fired in the area after soldiers had gone into the Bogside. Lieutenant N's evidence was that he believed that his shots were the only way of preventing the crowd from attacking him and the soldiers with him. We do not accept that evidence. In our view Lieutenant N probably fired these shots because he decided that this would be an effective way of frightening the people and moving them on, and not because he considered that they posed such a threat to him or the other soldiers that firing his rifle was the only option open to him. In our view this use of his weapon cannot be justified.

The casualties in the Bogside

- 3.27** Soon after Lieutenant N had fired his shots up the alleyway, soldiers of Mortar Platoon opened fire with their rifles in the area of the car park of the Rossville Flats. In that car park Jackie Duddy (aged 17) was shot and mortally wounded, while Margaret Deery (aged 38), Michael Bridge (aged 25) and Michael Bradley (aged 22) were wounded, all by Army rifle fire. In addition Pius McCarron (aged about 30) and Patrick McDaid (aged 24) suffered injuries from flying debris caused by Army rifle fire. Patrick Brolly (aged 40) was in one of the Rossville Flats and was probably injured by or as the result of Army rifle fire.
- 3.28** We set out below a diagram showing where these casualties occurred.



Casualty who was killed or mortally wounded in the car park of the Rossille Flats

1 Jackie Duddy



Casualties who were wounded in this area

2 Margaret Deery

3 Patrick Brolly

4 Michael Bridge

5 Michael Bradley

6 Pius McCarron

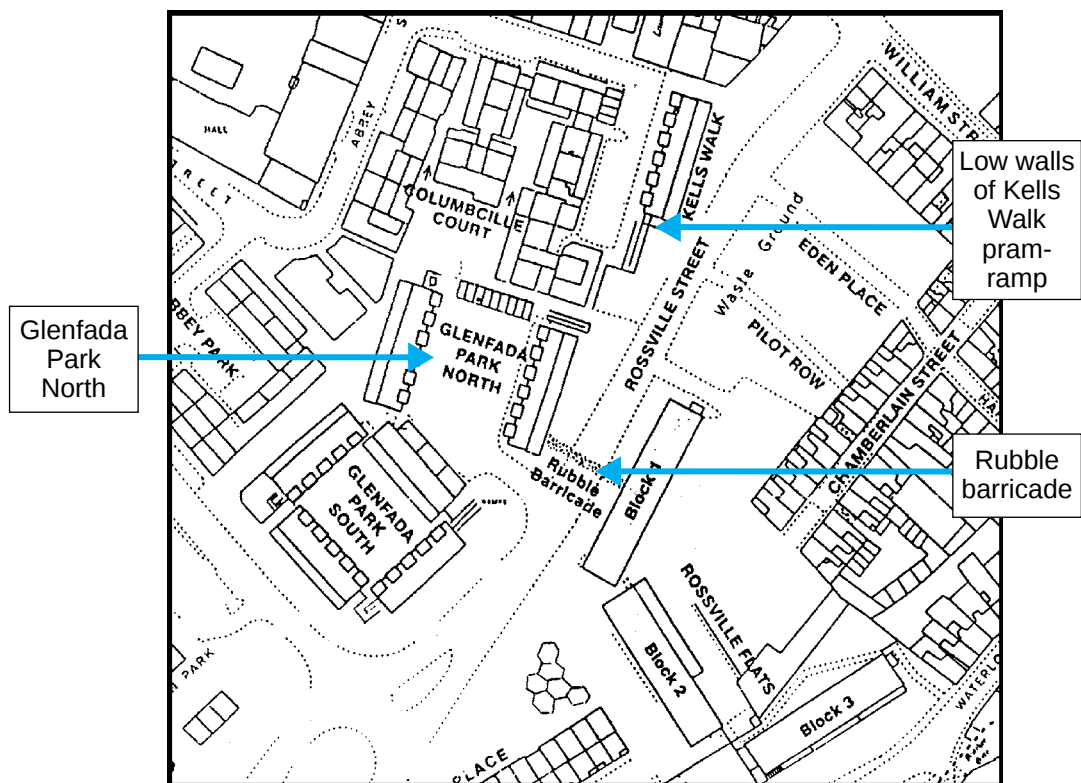
7 Patrick McDaid

3.29

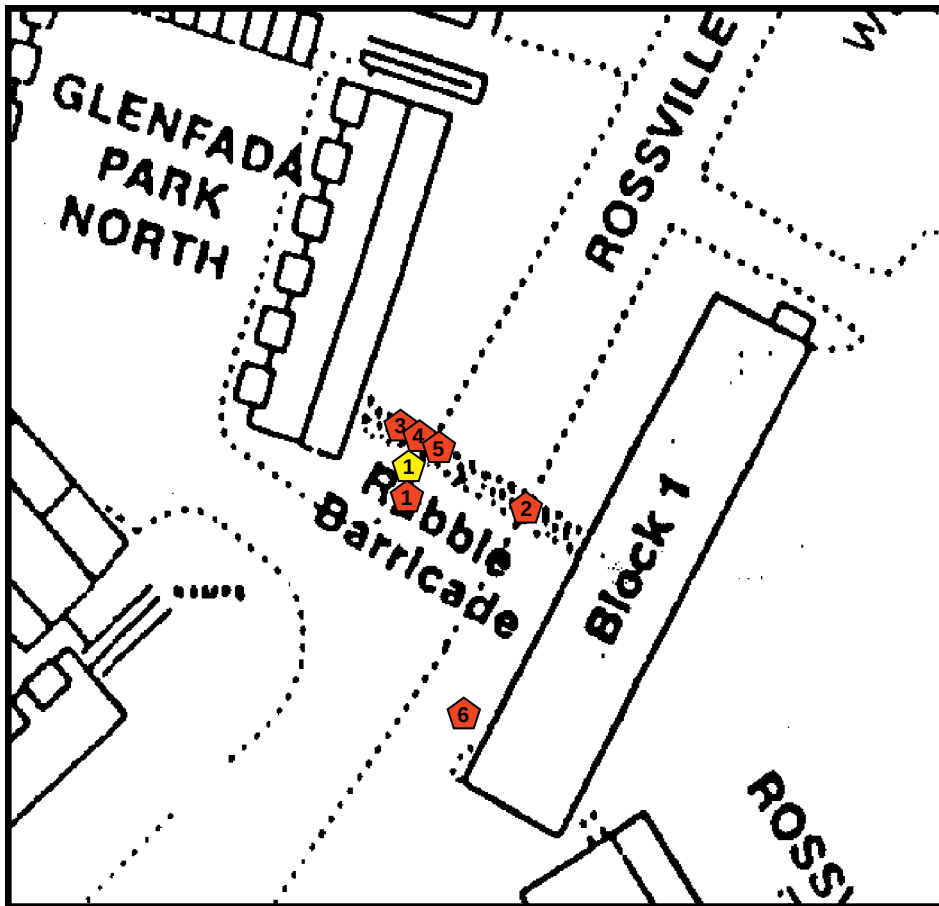
Vehicles carrying the Commander of Support Company, Major Loden, and two platoons, Anti-Tank Platoon and Composite Platoon, had followed Mortar Platoon of Support Company into the Bogside. Anti-Tank Platoon was one of the regular platoons of Support Company and was commanded by Lieutenant 119. Composite Platoon was a platoon that was on the day attached to Support Company and was under the command of Captain 200.

3.30 These soldiers disembarked in Rossville Street. Most of the soldiers of Machine Gun Platoon remained at this stage in the derelict building on William Street.

3.31 A short time after disembarking, and while events were unfolding in the car park of the Rossville Flats, soldiers of Anti-Tank Platoon reached the low walls of a ramp at the southern end of a block of flats named Kells Walk, on the western side of Rossville Street. Soldiers at that ramp then opened fire with their rifles. One of these shots hit and mortally wounded Michael Kelly (aged 17) who was some 80 yards further south behind a rubble barricade that had been erected by civilians across Rossville Street before Bloody Sunday. We set out below a map showing these positions.



3.32 Soon after civilians had carried Michael Kelly away from the rubble barricade, soldiers in Rossville Street fired at and mortally wounded five more people at or in the vicinity of that barricade. They were Hugh Gilmour (aged 17), William Nash (aged 19), John Young (aged 17), Michael McDaid (aged 20) and Kevin McElhinney (aged 17). In addition Alexander Nash (aged 52) was hit and injured by Army gunfire after he had gone to the rubble barricade to tend his son William Nash. We set out below a map showing the positions where it appears that these casualties occurred. The map also shows where Michael Kelly had been shot earlier.

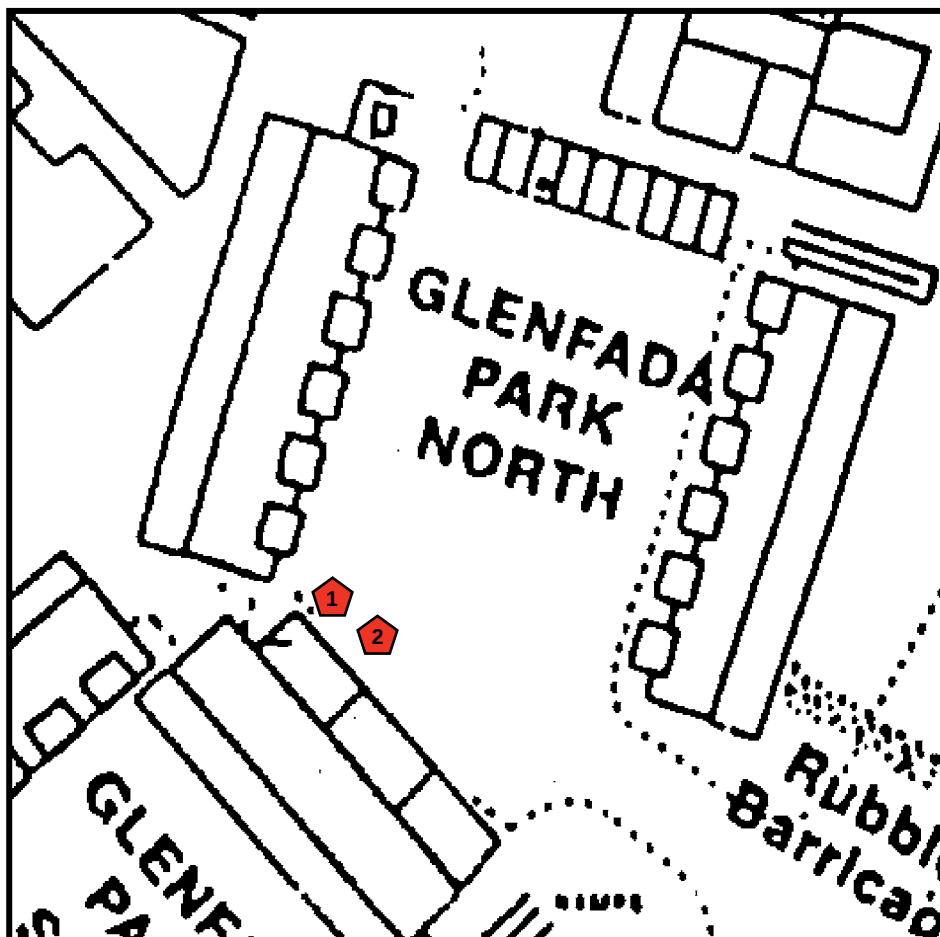


- | | |
|---|---|
|  | Casualties who were killed or mortally wounded in the area of the rubble barricade |
| 1 | Michael Kelly |
| 2 | Hugh Gilmour. The precise position at which this casualty was shot is unknown. |
| 3, 4 and 5 | Michael McDaid, William Nash and John Young. William Nash was in the middle of the three but the precise position of these casualties at the rubble barricade is not known. |
| 6 | Kevin McElhinney |
|  | Casualty who was wounded in this area |
| 1 | Alexander Nash |

3.33 After this firing had begun, soldiers of Anti-Tank Platoon moved forward from the low walls of the Kells Walk ramp and four of them went into Glenfada Park North, a residential building complex that lay to the west of Rossville Street, which is also shown on this map.

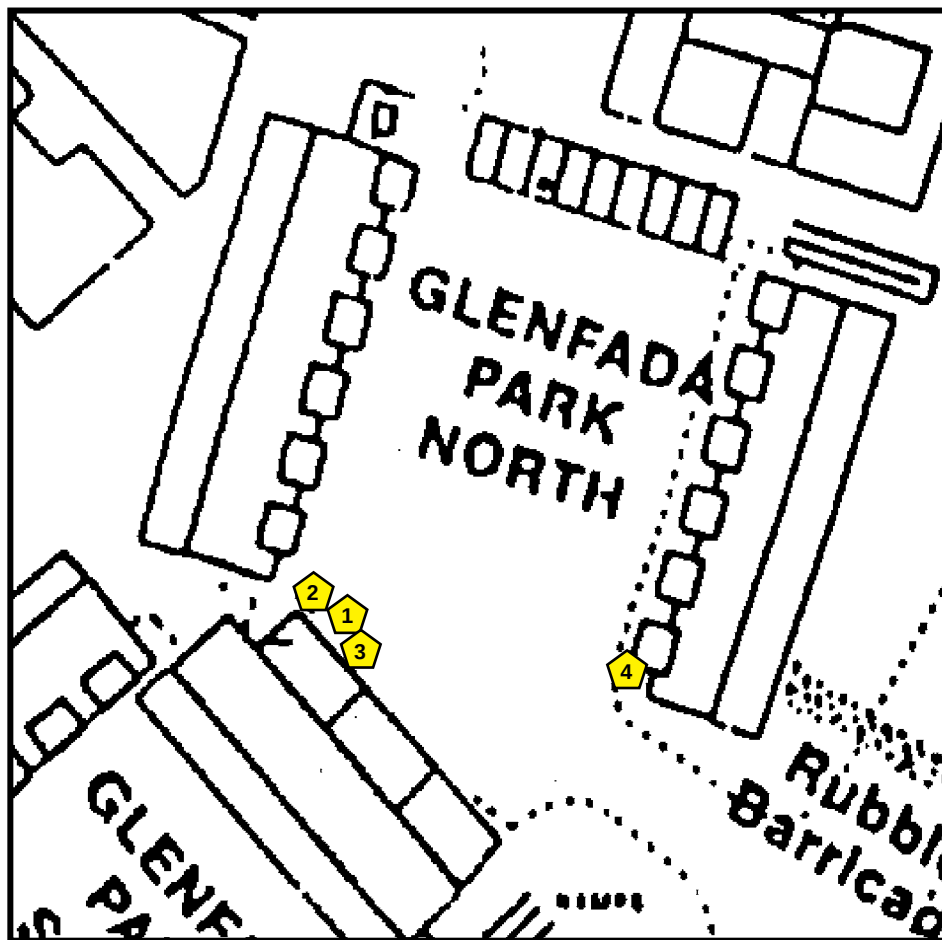
3.34 In Glenfada Park North were a number of civilians, many fleeing and seeking refuge from the soldiers.

3.35 Within a few seconds after arriving, the four soldiers who had gone into Glenfada Park North between them shot and mortally wounded William McKinney (aged 26) and Jim Wray (aged 22); and shot and injured Joe Friel (aged 20), Michael Quinn (aged 17), Joe Mahon (aged 16) and Patrick O'Donnell (aged 41). Jim Wray was shot twice, the second time probably as he lay mortally wounded on the ground. We set out below two diagrams showing the area of Glenfada Park North where these casualties occurred. A civilian, Daniel Gillespie (aged 32), may also have been slightly injured by or as the result of Army rifle fire in Glenfada Park North, but this is far from certain.



Casualties who were killed or mortally wounded in Glenfada Park North

- 1 Jim Wray
- 2 William McKinney

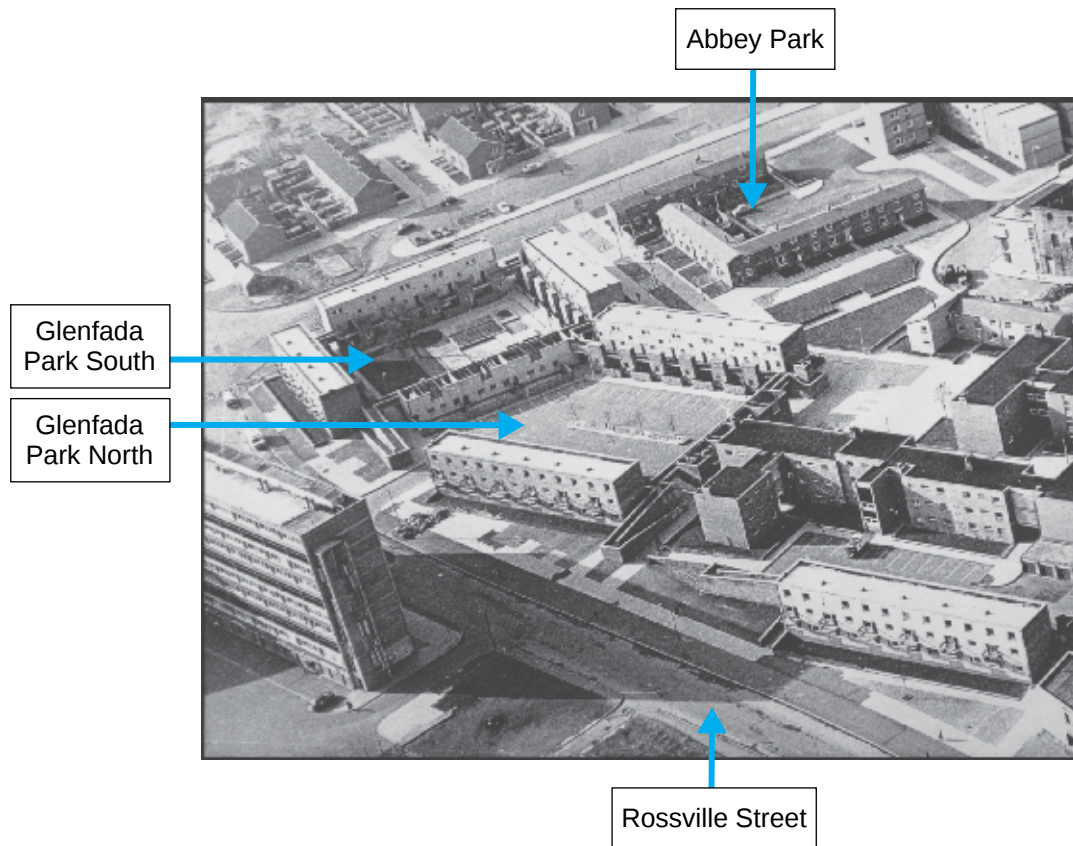


Casualties who were wounded in Glenfada Park North

- | | | | |
|---|---------------|---|-------------------|
| 1 | Michael Quinn | 3 | Joe Mahon |
| 2 | Joe Friel | 4 | Patrick O'Donnell |

3.36

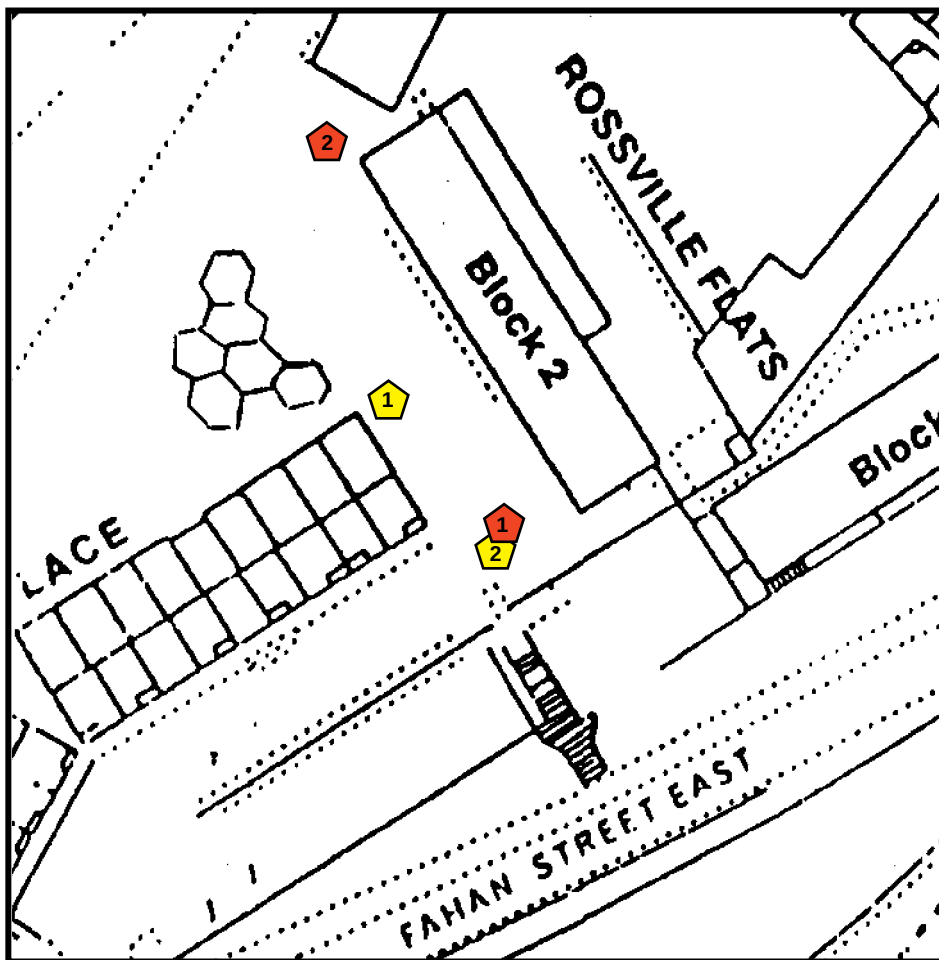
One of these soldiers then went from Glenfada Park North to Abbey Park, another residential area which lies to the west of Glenfada Park North, as shown in the following photograph.

**3.37**

In Abbey Park this soldier shot and mortally wounded Gerard McKinney (aged 35). His shot passed through this casualty and also mortally wounded Gerald Donaghey (aged 17). We set out below a map showing the area of Abbey Park where these casualties occurred.

**3.39**

From this position and again over a very short period of time there was Army gunfire across Rossville Street. This gunfire hit Bernard McGuigan (aged 41) and Patrick Doherty (aged 32), instantly killing the former and mortally wounding the latter. In addition Patrick Campbell (aged 53) and Daniel McGowan (aged 37) were wounded. All these casualties occurred in a pedestrianised area between the Joseph Place flats and the front (southern) side of Block 2 of the Rossville Flats, as shown on the following map.



	Casualties who were killed or mortally wounded between Joseph Place and the Rossville Flats
1	Patrick Doherty
2	Bernard McGuigan
	Casualties who were wounded in this area
1	Patrick Campbell
2	Daniel McGowan

3.40 Although there was later firing by soldiers in Rossville Street, the people shot on the front (southern) side of the Rossville Flats were the last civilians to be shot by the soldiers who had gone into the Bogside.

3.41 Only some ten minutes elapsed between the time soldiers moved in vehicles into the Bogside and the time the last of the civilians was shot.

- 3.42** There was other firing by the soldiers of Support Company (including soldiers of Composite Platoon) after they had gone into the Bogside, which did not result in death or injury; but which formed an important part of the events of the day and which we consider in this report. In all, soldiers of Support Company fired over 100 rounds after they had gone into the Bogside.

The soldiers who shot the casualties

- 3.43** We have no doubt that soldiers of Support Company were responsible for all the gunfire casualties that we have described above, using their high velocity self-loading 7.62mm Army rifles, known as SLRs. As will be seen, in some cases we are sure of the identity of the soldier or soldiers concerned, while in other cases our identifications are less certain.
- 3.44** The first gunfire casualty of the day was Damien Donaghey, who was on a patch of waste ground immediately south of William Street. He was hit in the thigh, either by one of two shots fired by Corporal A or one of three shots fired by Private B, both soldiers of Machine Gun Platoon. The two soldiers fired their shots from the derelict building more or less simultaneously in a single burst of fire. All these shots were aimed and fired at Damien Donaghey.
- 3.45** Unknown to Corporal A or Private B, fragments from one or more of these shots hit and injured John Johnston, who was on the same patch of waste ground.
- 3.46** The first casualty of gunfire after soldiers had gone into the Bogside was Jackie Duddy, who was shot and mortally wounded on the western side of the Rossville Flats car park.
- 3.47** In our view Private R of Mortar Platoon was probably the soldier who aimed at and shot Jackie Duddy. This soldier had disembarked from Sergeant O's APC in Rossville Street, but then ran after this vehicle as it continued into the entrance to the car park of the Rossville Flats, before he fired at Jackie Duddy.
- 3.48** Soon after Jackie Duddy was shot Lance Corporal V of Mortar Platoon, who had moved towards the car park of the Rossville Flats after disembarking from Lieutenant N's APC, fired his rifle. This shot was probably the one that hit Margaret Deery in the thigh. At the time this casualty was near the southern end of the wall at the back of the gardens of the houses on the western side of Chamberlain Street.
- 3.49** Michael Bridge was injured after Margaret Deery. He was shot in the thigh when he was a short distance from Sergeant O's vehicle in the car park of the Rossville Flats.

- 3.50** It is probable that it was Lieutenant N, the Commander of Mortar Platoon, who aimed at and shot Michael Bridge. This officer had moved towards the car park of the Rossville Flats from his APC in the Eden Place waste ground before he fired.
- 3.51** Michael Bradley was shot when he was on the southern side of the Rossville Flats car park. It is probable that it was Private Q of Mortar Platoon who aimed at and shot Michael Bradley, from a position near to the northern end of Block 1 of the Rossville Flats.
- 3.52** Patrick McDaid and Pius McCarron were injured by debris sent flying by shots fired as they were attempting to run away from the south-eastern area of the Rossville Flats car park.
- 3.53** We cannot determine precisely which soldier or soldiers fired these shots beyond saying that it was one or more of Sergeant O, Private R and Private S, all of Mortar Platoon.
- 3.54** Although he did not aim at Patrick Brolly, Private T of Mortar Platoon was probably responsible for the shot that directly or indirectly injured this casualty, who was in Block 1 of the Rossville Flats. However, we cannot eliminate the possibility that Private S rather than Private T was responsible. Patrick Brolly was injured after Jackie Duddy was shot but before the latter had been carried from the car park.
- 3.55** We are sure that shortly after he disembarked from his vehicle and while events were unfolding in the car park of the Rossville Flats, Lance Corporal F of Anti-Tank Platoon fired from the low walls of the Kells Walk ramp and mortally injured Michael Kelly, who was behind the rubble barricade in Rossville Street.
- 3.56** After Michael Kelly had been shot, William Nash, John Young and Michael McDaid were shot and killed at the rubble barricade. We are sure that Corporal P of Mortar Platoon, who had disembarked from Sergeant O's APC in Rossville Street, shot at least one of these casualties and may have been responsible for all three, though Lance Corporal J of Anti-Tank Platoon may have shot one of them and we cannot eliminate the possibility that Corporal E was responsible for another. Corporal P fired from a position in Rossville Street north of the rubble barricade and south of the low walls of the Kells Walk ramp; while Lance Corporal J and Corporal E fired from a position at that ramp.
- 3.57** We are sure that Private U, a member of Mortar Platoon who had taken up a position at the northern end of Block 1 of the Rossville Flats, fired at and mortally wounded Hugh Gilmour as the latter was running south (ie away from the soldiers) along the Rossville Street side of Block 1 of the Rossville Flats.

- 3.58** We are sure that either Private L or Private M, members of Composite Platoon who had taken up positions at the low walls of the Kells Walk ramp, shot Kevin McElhinney as he was crawling south from the rubble barricade away from the soldiers. Both probably fired at him on the orders of one or perhaps two nearby non-commissioned officers, Colour Sergeant 002 and Corporal 039.
- 3.59** It is possible that either Corporal P or Lance Corporal J was responsible for firing at and injuring Alexander Nash. These soldiers were in positions somewhere north of the rubble barricade and south of the low walls of the Kells Walk ramp. However, there is insufficient evidence to make any finding against either of these soldiers on this matter.
- 3.60** The four soldiers who moved from the low walls of the Kells Walk ramp into Glenfada Park North were Corporal E, Lance Corporal F, Private G and Private H. All were members of Anti-Tank Platoon and all fired their rifles in Glenfada Park North.
- 3.61** We are sure that these four soldiers were between them responsible for the casualties in Glenfada Park North. It is probable that Corporal E was responsible for the shot that injured Patrick O'Donnell. It is not possible to identify which particular soldiers shot the other casualties. However, we consider it more likely than not that either Lance Corporal F or Private H fired the shot that mortally wounded William McKinney; that one or other of these soldiers was responsible for the shot that wounded Joe Mahon; that either Private G or Private H fired the shot that wounded Michael Quinn; that either Lance Corporal F or Private G fired the shot that wounded Joe Friel; and that either Private G or Private H fired the first shot to hit Jim Wray. Joe Mahon was probably wounded by a shot that had first hit William McKinney. It is not clear whether Joe Friel and Michael Quinn were specifically targeted, or were hit by shots fired indiscriminately at the people who were in the south-west corner of Glenfada Park North. All these shots were fired from the northern side of Glenfada Park North within a very short time of each other. All the casualties were on the southern side of Glenfada Park North, about 40 yards from the soldiers.
- 3.62** The circumstances in which Daniel Gillespie was injured are so confused that it is not possible to identify the soldier or soldiers who might have been responsible for his injury, which was slight.
- 3.63** As we have said, Jim Wray was shot twice, the second time probably when he was lying mortally wounded on the ground. It is probable that either Private G or Private H fired this second shot.

- 3.64** There is no doubt that Private G was the soldier who at a range of only a few yards fired at and mortally wounded Gerard McKinney in Abbey Park. His shot passed through Gerard McKinney's body and also mortally wounded Gerald Donaghey.
- 3.65** The last gunfire casualties were Bernard McGuigan, Patrick Doherty, Patrick Campbell and Daniel McGowan, all shot in the area to the south of Block 2 of the Rossville Flats within a very short time of each other. We are sure that Lance Corporal F fired at and shot Bernard McGuigan and Patrick Doherty and it is highly probable that he was also responsible for shooting the other two casualties. This soldier fired across Rossville Street from the Rossville Street entranceway into Glenfada Park North.
- 3.66** We should note at this point that we have considered the possibility that one or more of the casualties might have occurred from soldiers firing by accident, in the sense of discharging their rifles by mistake and without intending to do so. We have found no evidence that suggests to us that this was or might have been the case.

Why the soldiers shot the casualties

- 3.67** Every soldier serving in Northern Ireland was issued with a card entitled *Instructions by the Director of Operations for Opening Fire in Northern Ireland*. This was known as the Yellow Card, and contained instructions as to when a soldier could open fire.
- 3.68** The Yellow Card in force on Bloody Sunday contained instructions to the soldiers that they should never use more force than the minimum necessary to enable them to carry out their duties, and should always first try to handle the situation by means other than opening fire. The Yellow Card provided that the soldier should only fire aimed shots and that save in two cases, if a soldier had to open fire, a warning was to be given before doing so. The warning to be given had to include a statement that fire would be opened if the soldier's order was not obeyed.
- 3.69** The first of the two cases in which a soldier could open fire without warning was when hostile firing was taking place in his area and a warning was impracticable, or when any delay could lead to death or serious injury to people whom it was the soldier's duty to protect or to the soldier himself; and in either of these situations the soldier was only permitted to open fire against a person using a firearm against members of the security forces or people whom it was the soldier's duty to protect; or against a person carrying a firearm if the soldier had reason to think that that person was about to use the firearm for

offensive purposes. The Yellow Card defined “firearm” as including a grenade, nail bomb or gelignite-type bomb. The second case in which a soldier could open fire without warning concerned firing at vehicles and has no relevance to the firing on Bloody Sunday.

- 3.70** None of the casualties shot by soldiers of Support Company was armed with a firearm or (with the probable exception of Gerald Donaghey) a bomb of any description. None was posing any threat of causing death or serious injury. In no case was any warning given before soldiers opened fire.
- 3.71** It was submitted on behalf of many of the represented soldiers that it was possible that some of the casualties were accidental, in the sense that the soldier concerned fired at someone posing a threat of causing death or serious injury, but missed and hit a bystander instead. It was also submitted that soldiers fired at and killed or injured other people who were posing such a threat, but that the existence of these casualties had been kept secret by those civilians who knew that this had happened, in order to deprive the soldiers of evidence that their firing was justified.
- 3.72** Apart from the firing by Private T, we have found no substance in either of these submissions.
- 3.73** As to the first, although John Johnston was hit accidentally from fragments of the shots fired at Damien Donaghey in William Street, Damien Donaghey was not posing a threat of causing death or serious injury. Margaret Deery, who was shot and seriously wounded in the Rossville Flats car park, was probably not the intended target and was hit by accident, but again the soldier concerned was not firing at someone posing a threat of causing death or serious injury. The same is true of the shots that indirectly caused injury to Pius McCarron and Patrick McDaid. In Glenfada Park North, Joe Mahon was hit and wounded by a bullet that was aimed at and probably initially hit William McKinney. In Abbey Park, Gerald Donaghey was hit and mortally wounded by the bullet that had first mortally wounded Gerard McKinney, but neither William McKinney nor Gerard McKinney was posing a threat of causing death or serious injury. Apart from these and Patrick Brolly, all the casualties were either the intended targets of the soldiers or the result of shots fired indiscriminately at people. None of the soldiers admitted missing his target and hitting someone else by mistake.
- 3.74** As to Patrick Brolly, if Private T was responsible for the shot that injured this casualty, this was one of the two shots that Private T fired at a man who had been throwing down bottles containing acid or a similar corrosive substance from the Rossville Flats.

Such conduct probably did pose a threat of causing serious injury. Private T (if he was responsible) neither intended to hit Patrick Brolly nor fired his rifle indiscriminately at people. If it was Private S who fired and injured Patrick Brolly, he did not aim at this casualty but fired indiscriminately at the Rossville Flats.

- 3.75** As to the second submission, we are sure that no-one other than the casualties that we have described above was killed or seriously injured by firing by Support Company soldiers. Had there been such casualties, we have no doubt that this would have come to light many years ago. We have found no evidence that suggests to us that there were other less serious casualties of Support Company gunfire.
- 3.76** Despite the contrary evidence given by soldiers, we have concluded that none of them fired in response to attacks or threatened attacks by nail or petrol bombers. No-one threw or threatened to throw a nail or petrol bomb at the soldiers on Bloody Sunday. There was some firing by republican paramilitaries (though nothing approaching that claimed by some soldiers) which we discuss in detail in this report, but in our view none of this firing provided any justification for the shooting of the civilian casualties. No soldier of Support Company was injured by gunfire on Bloody Sunday. Two suffered slight injuries from acid or a similar corrosive substance thrown down on them in bottles from the Rossville Flats.
- 3.77** Apart from Private T (who claimed to have fired at someone throwing down acid bombs from the Rossville Flats), all the soldiers who in our view were responsible for the casualties on Bloody Sunday sought to justify their shooting on the grounds that they were sure when they fired that they had targeted and hit someone who was armed with a firearm or a nail or petrol bomb and who was posing or about to pose a threat of causing death or serious injury.
- 3.78** In other words, all the soldiers (apart from Private T) who were in our view responsible for the casualties insisted that they had shot at gunmen or bombers, which they had not, and (with the possible exception of Lance Corporal F's belated admission with regard to Michael Kelly) did not accept that they had shot the known casualties, which they had. To our minds it inevitably followed that this materially undermined the credibility of the accounts given by the soldiers who fired.
- 3.79** As we have said, none of the casualties was posing a threat of causing death or serious injury, or indeed was doing anything else that could on any view justify their shooting. However, the question remains as to whether when they fired, the soldiers nevertheless mistakenly believed that they were justified in doing so.

- 3.80** We appreciate that soldiers on internal security duties, facing a situation in which they or their colleagues may at any moment come under lethal attack, have little time to decide whether they have identified a person posing a threat of causing death or serious injury; and may have to make that decision in a state of tension or fear. It is a well-known phenomenon that, particularly when under stress or when events are moving fast, people often erroneously come to believe that they are or might be hearing or seeing what they were expecting to hear or see. We have borne this in mind when assessing the state of mind of the soldiers responsible for the casualties.
- 3.81** It is also possible that in the sort of circumstances outlined in the previous paragraph, a soldier might fire in fear or panic, without giving proper thought to whether his target was posing a threat of causing death or serious injury.
- 3.82** In the course of the report we have considered in detail the accounts of the soldiers whose firing caused the casualties, in the light of much other evidence. We have concluded, for the reasons we give, that apart from Private T many of these soldiers have knowingly put forward false accounts in order to seek to justify their firing. However, we have also borne in mind that the fact that a soldier afterwards lied about what had happened does not necessarily entail that he fired without believing that he had identified a person posing a threat of causing death or serious injury, since it is possible that he was at the time convinced that he was justified in firing, but later invented details in an attempt to bolster his account and make it more credible to others. We have borne this possibility in mind when seeking to decide whether or not each of the soldiers of Support Company who fired and whose shots killed or injured civilians believed, when he did so, that he was justified in firing.
- 3.83** With these considerations in mind, we turn to consider the individual soldiers concerned. In accordance with our ruling of 11th October 2004,¹ we express where appropriate the degree of confidence or certainty with which we reach our conclusions.
- ¹ [A2.41](#)
- 3.84** As noted above, the first casualties of Army gunfire on the day were in William Street, some minutes before soldiers went into the Bogside.
- 3.85** The soldiers concerned in this incident, Corporal A and Private B, unlike those who later went into the Bogside, were not in an open area, but in a derelict building on William Street. At the same time, they were members of a platoon that had been sent to a position isolated from other soldiers, close to the rioting in William Street and adjacent to the

Bogside, the latter being part of the “no go” area of the city and known to be dangerous for the security forces. They accordingly perceived themselves to be in a dangerous situation in which at any time they might be targeted by republican paramilitaries with lethal weapons. If not frightened, they would have been highly apprehensive.

- 3.86** The evidence of Corporal A and Private B was that the person they shot was about to throw a nail bomb in their direction. This was not the case, though Damien Donaghey had previously been throwing stones at the soldiers and might have been about to do so again. It was submitted on behalf of Damien Donaghey that these soldiers fired without any belief that they had identified someone posing a threat of causing death or serious injury. We concluded that this was not the case and that it was probable that each soldier either mistakenly believed that Damien Donaghey was about to throw a nail bomb or suspected (albeit incorrectly) that he might be about to do so. It is possible that one or both of these soldiers fired in panic or fear, without giving proper thought as to whether his target was posing a threat of causing death or serious injury.
- 3.87** The next firing by soldiers that resulted in casualties occurred after soldiers had gone into the Bogside. Soldiers of Support Company had been told by officers and believed that this was a particularly dangerous area for the security forces, with any incursion running the risk of meeting attacks by paramilitaries using bombs and firearms. In the minds of some soldiers that belief was reinforced by the shot fired by a member of the Official IRA (OIRA 1) some minutes earlier at soldiers by the Presbyterian church in Great James Street. When they disembarked in the Bogside the soldiers were in an open area where they had never previously been and which was overlooked by the large and high blocks of the Rossville Flats, believed by them to be a place from which republican paramilitaries operated. They were in these circumstances highly alert to the risk of coming under lethal attack from republican paramilitaries either in or near to those flats. Most of the soldiers were armed with rifles to guard against any such attacks and in many cases (in breach of the Yellow Card) had cocked their weapons in order to fire without delay should occasion arise.
- 3.88** In short, soldiers of Support Company went into what they perceived to be a dangerous area in which they ran the risk of coming under lethal attack at any time. Again, if these soldiers were not frightened, they must at least have been highly apprehensive.
- 3.89** Since the Eden Place waste ground was an open area, many of the soldiers of Mortar Platoon, and soldiers of the other platoons that had followed Mortar Platoon into the Bogside, must have heard the shots fired by Lieutenant N up the Eden Place alleyway and over the heads of the people there. The effect was to lead at least a number of

soldiers to believe either that republican paramilitaries had opened fire or thrown bombs or that a soldier or soldiers were responding to the imminent use of firearms or bombs by paramilitaries; and thus not only to reinforce what they had been told and believed about the likely presence of republican paramilitaries in the area, but also to make them even more ready to respond. If, as we consider was the case, Lieutenant N decided to fire these shots over the heads of the people otherwise than as a last resort to protect himself or other soldiers, he can in our view fairly be criticised, not only for firing, but also for failing to realise the effect that his firing would be likely to have on the other soldiers who had come into the Bogside.

- 3.90** When shooting breaks out in an urban area, as it then did, it is often difficult or impossible to establish who is firing, from where the firing has come, in what direction it is going, and the type of weapon being used. The same applies to explosions and we have little doubt that the sound of the firing of baton rounds could in some circumstances have been mistaken for the explosion of bombs. In Londonderry these factors were magnified by what was known as “the Derry sound”, which was the echoing effect created by the City Walls and adjacent buildings (including the high Rossville Flats) and which could multiply the sound of gunfire and explosions and create false impressions of the direction from which these sounds were coming.
- 3.91** In circumstances such as we have described, there is a risk that soldiers, mistakenly believing themselves or their colleagues to be under lethal attack, lose their self-control, forget or ignore their training and fire without being satisfied that they have identified a person posing a threat of causing death or serious injury.
- 3.92** As to the soldiers who went into the Bogside, we have reached the following conclusions.
- 3.93** As we have said, the first casualty to be shot after the soldiers entered the Bogside was Jackie Duddy, who in our view was probably shot by Private R. According to this soldier’s accounts, as he approached Sergeant O’s APC he saw and shot a man who was about to throw a nail bomb.
- 3.94** Jackie Duddy was running away from the soldiers when he was shot. He probably had a stone in his hand at the time. Private R may have thought that Jackie Duddy might have been about to throw a bomb and shot him for this reason, but we are sure that he could not have been sufficiently confident about this to conclude that he was justified in firing. It is possible that Private R fired in a state of fear or panic, giving no proper thought to whether his target was posing a threat of causing death or serious injury.

- 3.95** The second casualty was Margaret Deery, shot (probably by Lance Corporal V) as she stood with a group of people at or near the southern end of the wall of the gardens of the houses on the western side of Chamberlain Street. Lance Corporal V had approached the car park of the Rossville Flats from Lieutenant N's APC. Lance Corporal V's evidence was that he fired at and hit someone who had thrown or was in the course of throwing a petrol bomb, evidence that we rejected. Margaret Deery was probably not his intended target. Lance Corporal V probably fired in the knowledge that he had not identified someone who was posing a threat of causing death or serious injury. It is possible that he fired in a state of fear or panic, without giving proper thought to whether his target was posing a threat of causing death or serious injury.
- 3.96** Michael Bridge was shot as he walked towards the soldiers near Sergeant O's vehicle in the car park of the Rossville Flats, shouting at them in protest against the shooting of Jackie Duddy and in his anger inviting the soldiers to shoot him.
- 3.97** It was probably Lieutenant N who shot Michael Bridge. After firing his rifle up the alleyway leading to Chamberlain Street, Lieutenant N had returned to his vehicle and then moved across the Eden Place waste ground towards the car park of the Rossville Flats. It was at this stage that he fired at and wounded Michael Bridge. His evidence was that he fired at a man he was sure, at the time, was about to throw a nail bomb at his soldiers. In our view Lieutenant N fired, probably either in the mistaken belief that his target was about to throw a nail bomb, but without any adequate grounds for that belief; or in the mistaken belief that his target might have been about to throw a nail bomb, but without being confident that that was so. It is possible that Lieutenant N fired in a state of fear or panic, without giving proper thought to whether his target was posing a threat of causing death or serious injury.
- 3.98** It was probably Private Q who shot Michael Bradley. This casualty was on the southern side of the Rossville Flats car park and was probably about to throw a stone at the soldiers when he was shot. Private Q falsely maintained that shortly before he fired his shot a nail bomb had been thrown and had exploded in the car park and that he was sure that the person he shot was about to throw another nail bomb, but we are sure that Private Q did not believe when he fired that he had identified a nail bomber. It is possible that he mistakenly thought that Michael Bradley might have been about to throw a bomb, but in our view, even if this was so, he could not have been sufficiently confident about this to conclude that he was justified in firing. It is possible that Private Q fired in a state of fear or panic, giving no proper thought to whether his target was posing a threat of causing death or serious injury.

- 3.99** One or more of Sergeant O, Private R and Private S fired the shots that indirectly injured Patrick McDaid and Pius McCarron. All these soldiers claimed to have fired at gunmen at ground level, a claim we do not accept. While they did not aim at either Patrick McDaid or Pius McCarron, we are sure that the soldier or soldiers whose shots resulted in these casualties fired without justification and without any or any proper regard to the risk to people in the area.
- 3.100** Private T was probably responsible for the shot that directly or indirectly injured Patrick Brolly, who was in Block 1 of the Rossville Flats, though it is possible that Private S was responsible. The soldier concerned did not aim at Patrick Brolly. If it was a shot by Private S (who fired 12 shots in the area of the Rossville Flats car park) we are sure that it was fired for no good reason and without any regard to the risk to people in the flats. If it was Private T, it was one of two shots that this soldier fired at a man on a balcony of Block 1 of the Rossville Flats, who had thrown down at the soldiers below a bottle or bottles containing acid or a similar corrosive substance, which had caused minor injuries to Private T and Private R. These shots were fired without a previous warning and thus in our view contravened the instructions given to the soldiers as to when they could open fire, contained in the Yellow Card. Sergeant O had told Private T to shoot if the man sought to throw another bottle. Both he and Private T believed that the person concerned was posing a threat of causing serious injury. The second shot was fired after the man had thrown a further bottle and thus at a time when he was posing no threat to the soldiers. Both shots missed the intended target.
- 3.101** In Rossville Street, Lance Corporal F fired from the low walls of the Kells Walk ramp and killed Michael Kelly who was behind the rubble barricade on Rossville Street, some 80 yards away. Initially Lance Corporal F said nothing about this shot but later he admitted that he had fired, falsely claiming that this was at a nail bomber. In our view Lance Corporal F did not fire in panic or fear, without giving proper thought to whether he had identified a person posing a threat of causing death or serious injury. We are sure that instead he fired either in the belief that no-one at the rubble barricade was posing a threat of causing death or serious injury, or not caring whether or not anyone at the rubble barricade was posing such a threat.
- 3.102** As to the further shooting in Rossville Street, which caused the deaths of William Nash, John Young and Michael McDaid, Corporal P claimed that he fired at a man with a pistol; Lance Corporal J claimed that he fired at a nail bomber; and Corporal E claimed that he fired at a man with a pistol in the Rossville Flats. We reject each of these claims as knowingly untrue. We are sure that these soldiers fired either in the belief that no-one

in the areas towards which they respectively fired was posing a threat of causing death or serious injury, or not caring whether or not anyone there was posing such a threat. In their cases we consider that they did not fire in a state of fear or panic.

- 3.103** We take the same view of the shot that we are sure Private U fired at Hugh Gilmour, mortally wounding this casualty as he was running away from the soldiers. We reject as knowingly untrue Private U's account of firing at a man with a handgun.
- 3.104** As we have explained, either Private L or Private M shot and mortally wounded Kevin McElhinney as he was crawling away from the soldiers. They probably did so on the orders of Colour Sergeant 002 or Corporal 039 or perhaps both these non-commissioned officers.
- 3.105** These soldiers and officers gave evidence that they had seen two people, one or both with rifles, crawling away from the rubble barricade. They probably believed that they might have identified a gunman or gunmen, but none of them could have been satisfied that they had done so. Their targets were crawling away and not posing an immediate threat of causing death or serious injury. The soldiers' evidence was that they fired, not because the crawling men were posing at that moment an immediate threat of causing death or serious injury, but because they believed that the crawling men would or might use their weapons once they had reached cover, although Private L expressed the view that he was entitled to fire at someone with a weapon, whatever that individual was doing. These shots were not fired in fear or panic. We are of the view that the soldiers concerned probably believed that the crawling men might pose a threat of causing death or serious injury once they had reached cover, though it is possible that Private L did not care whether or not they would pose such a threat.
- 3.106** We are sure that the soldier who shot and injured Alexander Nash while he was tending his dead or dying son William at the rubble barricade could not have believed that he had or might have identified someone posing a threat of causing death or serious injury.
- 3.107** We have above identified Corporal E, Lance Corporal F, Private G and Private H as the soldiers who went into Glenfada Park North, between them killing William McKinney and Jim Wray, injuring Joe Mahon, Joe Friel, Michael Quinn and Patrick O'Donnell, and possibly injuring Daniel Gillespie. All claimed that they had identified and shot at people in possession of or seeking to use bombs or firearms.
- 3.108** In our view none of these soldiers fired in the belief that he had or might have identified a person in possession of or using or about to use bombs or firearms. William McKinney and Jim Wray were both shot in the back and none of the other casualties (with the

possible exception of Daniel Gillespie) appears to have been facing the soldiers when shot. We are sure that these soldiers fired either in the belief that no-one in the areas towards which they respectively fired was posing a threat of causing death or serious injury, or not caring whether or not anyone there was posing such a threat. In their cases (with the possible exception of Private H), it is unlikely that they fired in a state of fear or panic.

- 3.109** All four soldiers denied shooting anyone on the ground. However, Jim Wray was shot for a second time in the back, probably as he lay mortally wounded in the south-western corner of Glenfada Park North. Whichever soldier was responsible for firing the second shot, we are sure that he must have known that there was no possible justification for shooting Jim Wray as he lay on the ground.
- 3.110** Private G shot Gerard McKinney in Abbey Park. As we have already noted, his shot passed through this casualty and mortally wounded Gerald Donaghey. Private G may not have been aware that his shot had had this additional effect. Private G falsely denied that he had fired in Abbey Park. He did not fire in fear or panic and we are sure that he must have fired knowing that Gerard McKinney was not posing a threat of causing death or serious injury.
- 3.111** Gerald Donaghey was taken by car to the Regimental Aid Post of 1st Battalion, The Royal Anglian Regiment, which was at the western end of Craigavon Bridge, which spans the River Foyle. There four nail bombs were found in his pockets. The question arose as to whether the nail bombs were in his pockets when he was shot, or had been planted on him later by the security forces. We have considered the substantial amount of evidence relating to this question and have concluded, for reasons that we give, that the nail bombs were probably on Gerald Donaghey when he was shot. However, we are sure that Gerald Donaghey was not preparing or attempting to throw a nail bomb when he was shot; and we are equally sure that he was not shot because of his possession of nail bombs. He was shot while trying to escape from the soldiers.
- 3.112** As we have said, the last gunfire casualties were Bernard McGuigan, Patrick Doherty, Patrick Campbell and Daniel McGowan, all shot in the area to the south of Block 2 of the Rossville Flats within a very short time of each other. Bernard McGuigan was shot in the head and killed instantly as he was waving a piece of cloth and moving out from the cover afforded by the southern end wall of Block 1 of the Rossville Flats. Further to the east Patrick Doherty was shot in the buttock and mortally wounded as he was attempting to crawl to safety across the area that lay on the southern side of Block 2 of the Rossville

Flats. Patrick Campbell was shot in the back and injured as he ran away from the southern end of Block 1 of the Rossville Flats along the southern side of Block 2. Daniel McGowan was shot and injured in the leg when he was in about the same area as where Patrick Doherty was shot.

- 3.113** We have no doubt that Lance Corporal F shot Patrick Doherty and Bernard McGuigan, and it is highly probable that he also shot Patrick Campbell and Daniel McGowan. In 1972 Lance Corporal F initially said nothing about firing along the pedestrianised area on the southern side of Block 2 of the Rossville Flats, but later admitted that he had done so. No other soldier claimed or admitted to firing into this area. Lance Corporal F's claim that he had fired at a man who had (or, in one account, was firing) a pistol was to his knowledge false. Lance Corporal F did not fire in a state of fear or panic. We are sure that he fired either in the belief that no-one in the area into which he fired was posing a threat of causing death or serious injury, or not caring whether or not anyone there was posing such a threat.

Other firing by soldiers on Bloody Sunday

- 3.114** Soldiers of Support Company fired in all over 100 rifle rounds on Bloody Sunday after they had gone into the Bogside. In this report we describe in detail not only the circumstances in which soldiers fired and killed or injured civilians, but also the circumstances in which the other shooting occurred. As to the latter, with the probable exception of shots fired by Sergeant O at what he described as a gunman on a balcony of Block 3 of the Rossville Flats, we found no instances where it appeared to us that soldiers either were or might have been justified in firing. In many cases the soldiers concerned fired either in the belief that no-one in the areas into which they fired was posing a threat of causing death or serious injury, or not caring whether or not anyone there was posing such a threat; while in other cases we consider that when the soldiers fired they may have mistakenly suspected, without being satisfied, that they might have identified someone posing a threat of causing death or serious injury.
- 3.115** Apart from the firing by soldiers of Support Company, there was no other firing by members of 1 PARA on Bloody Sunday. In particular, there was no firing by members of C Company, who had also gone into the Bogside (on foot through Barrier 14) soon after Support Company had gone through Barrier 12.

- 3.116** There were other incidents of Army firing on Bloody Sunday, by members of other Army units. This firing was in response to republican paramilitary firing that was directed at soldiers, but not at those who had gone into the Bogside. We consider these incidents in detail in this report. In one of these incidents (some 600 yards from the area where the civilians were killed and injured by soldiers of Support Company) a soldier (in our view justifiably) shot at and injured an armed member of the Official IRA, “Red” Mickey Doherty, who had immediately before fired at soldiers.
- 3.117** At one stage it was suggested that a soldier or soldiers stationed on the City Walls above the area into which Support Company of 1 PARA deployed might have been responsible for some of the civilian casualties at the rubble barricade in Rossville Street. We considered this possibility but are sure, for the reasons we give in the report, that this was not the case; and by the end of the Inquiry no-one taking part in the Inquiry suggested otherwise.
- 3.118** As will be seen from this report, as part of our investigation we examined in detail the organisation of the Provisional and Official IRA and the activities of members of those organisations on the day, since it was submitted on behalf of soldiers that, in effect, these activities justified the soldiers opening fire. With the exception of Gerald Donaghey, who was a member of the Provisional IRA’s youth wing, the Fianna, none of those killed or wounded by soldiers of Support Company belonged to either the Provisional or the Official IRA.
- 3.119** In the course of investigating the activities of the Provisional and Official IRA on the day, we considered at some length allegations that Martin McGuinness, at that time the Adjutant of the Derry Brigade or Command of the Provisional IRA, had engaged in paramilitary activity during the day. In the end we were left in some doubt as to his movements on the day. Before the soldiers of Support Company went into the Bogside he was probably armed with a Thompson sub-machine gun, and though it is possible that he fired this weapon, there is insufficient evidence to make any finding on this, save that we are sure that he did not engage in any activity that provided any of the soldiers with any justification for opening fire.

The arrest of civilians

- 3.120** Soldiers of Support Company, 1 PARA arrested a number of civilians on Bloody Sunday. Only six were arrested in the area of Rossville Street or in the Eden Place waste ground where the soldiers had initially deployed, most of the others being arrested either in a

house in Chamberlain Street or where they had taken shelter behind a wall at the south-eastern corner of Glenfada Park North. In this report, we have examined the circumstances of these arrests and what happened to those who were arrested, not only because they formed an important part of the events of the day, but because the way in which some were treated provided an indication of the attitude that some soldiers of 1 PARA adopted towards the people they encountered on Bloody Sunday. There were a number of incidents in which soldiers gave knowingly false accounts of the circumstances in which arrests were made. In the end no proceedings were pursued against any of those who had been arrested.

Chapter 4: The question of responsibility for the deaths and injuries on Bloody Sunday

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4.1 The immediate responsibility for the deaths and injuries on Bloody Sunday lies with those members of Support Company whose unjustifiable firing was the cause of those deaths and injuries. The question remains, however, as to whether others also bear direct or indirect responsibility for what happened.

The United Kingdom and Northern Ireland Governments and the Army

4.2 During the course of the Inquiry, allegations were made by some of those representing the families of those who died on Bloody Sunday and those wounded, that the politicians in both the United Kingdom and Northern Ireland Governments, as well as the military authorities, had planned not simply to stop the civil rights march and to mount an arrest operation against rioters as set out in the orders for Operation Forecast (the operation to contain the march and deal with any rioting), but rather to use 1 PARA for the purpose of carrying out some action, which they knew would involve the deliberate use of

unwarranted lethal force or which they sanctioned with reckless disregard as to whether such force was used. On this basis it was submitted that the civil and military authorities bore responsibility for the deaths and injuries on Bloody Sunday.

- 4.3** These allegations were based on one of two propositions, either that what happened on Bloody Sunday was intended and planned by the authorities, or that it was foreseen by the authorities as likely to happen. We are of the view that neither of these propositions can be sustained.
- 4.4** In order to consider these allegations we looked in detail at what the authorities were planning and doing in the weeks and months preceding Bloody Sunday; as well as what happened on Bloody Sunday before soldiers were sent into the Bogside. We found no evidence to substantiate these allegations. So far as the United Kingdom Government was concerned, what the evidence did establish was that in the months before Bloody Sunday, genuine and serious attempts were being made at the highest level to work towards a peaceful political settlement in Northern Ireland. Any action involving the use or likely use of unwarranted lethal force against nationalists on the occasion of the march (or otherwise) would have been entirely counterproductive to the plans for a peaceful settlement; and was neither contemplated nor foreseen by the United Kingdom Government. So far as the Northern Ireland Government was concerned, although it had been pressing the United Kingdom Government and the Army to step up their efforts to counter republican paramilitaries and to deal with banned marches, we found no evidence that suggested to us that it advocated the use of unwarranted lethal force or was indifferent to its use on the occasion of the march.
- 4.5** It was also submitted that in dealing with the security situation in Northern Ireland generally, the authorities (the United Kingdom and Northern Ireland Governments and the Army) tolerated if not encouraged the use of unjustified lethal force; and that this was the cause or a contributory cause of what happened on Bloody Sunday. We found no evidence of such toleration or encouragement.
- 4.6** There was a further submission to the effect that it was critical to an understanding of why lethal force was used by the Army against unarmed civilians on Bloody Sunday, to appreciate that by this time the role of the police in security matters had been eroded and that the Army had illegally taken control over the policing of security situations from the police. Though by the period in question the situation was such that the RUC had neither the manpower nor the resources to deal effectively with all security issues and was in

many cases dependent upon the military, we do not accept that the Army had illegally taken over control of security from the police. The Army and the police worked together in deciding how to deal with matters of security.

4.7 As to the actions of the soldiers themselves, it was submitted that those who fired did so because of a “*culture*” that had grown up among soldiers at the time in Northern Ireland, to the effect that they could fire with impunity, secure in the knowledge that the arrangements then in force (arrangements later criticised by the Lord Chief Justice of Northern Ireland) meant that their actions would not be investigated by the RUC, but by the Royal Military Police (the Army’s own police force), who would be sympathetic to the soldiers and who would not conduct a proper investigation. In support of this submission it was alleged that before Bloody Sunday there were many previous unjustified shooting incidents by soldiers in Northern Ireland. As we pointed out in the course of the Inquiry, it was simply not possible to take this submission of an established “*culture*” forward, for this could only be done by examining in the same detail as Bloody Sunday the circumstances of each of those incidents, in order to decide, among other things, whether or not they involved unjustified firing by soldiers. In our view this would have been a wholly impracticable course for us to take, adding immeasurably to what was already a very long and complex inquiry. In these circumstances, we are not in a position to express a view either as to whether or not such a culture existed among soldiers before Bloody Sunday or, if it did, whether it had any influence on those who fired unjustifiably on that day.

Major General Ford

4.8 In the light of the situation that obtained in Londonderry in early 1972 (which we discuss in detail in this report), we do not criticise General Ford for deciding to deploy soldiers to arrest rioters, though in our view his decision to use 1 PARA as the arrest force is open to criticism, on the ground that 1 PARA was a force with a reputation for using excessive physical violence, which thus ran the risk of exacerbating the tensions between the Army and nationalists in Londonderry. However, there is to our minds a significant difference between the risk of soldiers using excessive physical violence when dispersing crowds or trying to arrest rioters and the risk that they would use lethal weapons without justification. We have concluded that General Ford had no reason to believe and did not believe that the risk of soldiers of 1 PARA firing unjustifiably during the course of an arrest operation was such that it was inappropriate for that reason for him to use them for such an operation.

- 4.9** General Ford denied, both to the Widgery Inquiry and to the present Inquiry, that the Army plan for 30th January 1972 was to cause a confrontation with the IRA, Official, Provisional or both. We accept his denial. We are sure that there was no such plan.
- 4.10** As to General Ford's memorandum, where he suggested shooting selected ringleaders of rioters after warning, we are surprised that an officer of his seniority should seriously consider that this was something that could be done, notwithstanding that he acknowledged that to take this course would require authorisation from above. We are sure, for the reasons given in the report, that this idea was not adopted and that the shootings on Bloody Sunday were not the result of any plan to shoot selected ringleaders. In the event General Ford decided to use an additional battalion (1 PARA) as the means of seeking to deal with rioters. We found no evidence to suggest that the use of lethal force against unarmed rioters, who were not posing a threat of causing death or serious injury, was contemplated by General Ford or those senior to him as a possible means of dealing with any rioting that might accompany the then forthcoming civil rights march.
- 4.11** General Ford did not himself play any role in ordering the arrest operation to be launched or in determining the form either in which Brigade ordered it or which it actually took. He did not seek to interfere with or to influence what happened to any significant extent and was right not to do so, since the decision whether to launch an arrest operation and the form that it was to take were matters for Brigadier MacLellan.
- 4.12** General Ford was responsible for deciding that in the likely event of rioting, Brigade should employ 1 PARA as an arrest force on 30th January 1972. But he neither knew nor had reason to know at any stage that his decision would or was likely to result in soldiers firing unjustifiably on that day.

Brigadier MacLellan

- 4.13** As we have noted above, the power to order an arrest operation did not rest with General Ford, but with Brigadier MacLellan. We do not criticise Brigadier MacLellan for giving such an order. As we have pointed out, he did not do so until he was reasonably satisfied that there was sufficient separation between rioters and peaceful marchers to sanction the limited arrest operation that had been initially suggested by Colonel Wilford. Had Colonel Wilford informed him that the situation had changed and that as the commander of the arrest force he now considered that it was necessary to order an additional company to go in vehicles along Rossville Street in order to arrest rioters, Brigadier MacLellan might well have abandoned the arrest operation altogether, on the ground that such an operation

would not allow sufficient separation between marchers and rioters. Brigadier MacLellan had no reason to believe and did not believe that the limited arrest operation he ordered ran the risk of deaths or injuries from unjustifiable firing by soldiers.

- 4.14** We should add at this point that in our view Brigadier MacLellan cannot fairly be criticised either for not imposing additional restrictions on when soldiers could open fire, over and above those in the Yellow Card; or for failing to order soldiers engaged in an arrest operation to disengage rather than respond if they were or believed that they were under attack from republican paramilitaries, so as to minimise the risk that innocent civilians would be killed or injured. In his case suggestions to the contrary incorrectly assume that he bears responsibility for sending soldiers into the Bogside. The arrest operation Brigadier MacLellan ordered was limited in scope and would not have involved soldiers going into the Bogside to any or any significant extent; and in our view the risk to civilians from such an operation did not call for any such special restrictions or special orders. We have concluded that Brigadier MacLellan does not bear any responsibility for the deaths and injuries from the unjustifiable firing by soldiers on Bloody Sunday.

Lieutenant Colonel Wilford

- 4.15** What did happen was not what Colonel Wilford had initially suggested and Brigadier MacLellan had then ordered. Colonel Wilford should have ordered his soldiers to stay in and around William Street and the northern end of Rossville Street. Instead, he sent them into the Bogside, where they chased people down Rossville Street, into the car park of the Rossville Flats, into Glenfada Park North and as far as Abbey Park.
- 4.16** In our view Colonel Wilford decided to send Support Company into the Bogside because at the time he gave the order he had concluded (without informing Brigadier MacLellan) that there was now no prospect of making any or any significant arrests in the area he had originally suggested, as the rioting was dying down and people were moving away. In addition it appears to us that he wanted to demonstrate that the way to deal with rioters in Londonderry was not for soldiers to shelter behind barricades like (as he put it) “*Aunt Sallies*” while being stoned, as he perceived the local troops had been doing, but instead to go aggressively after rioters, as he and his soldiers had been doing in Belfast.
- 4.17** What Colonel Wilford failed to appreciate, or regarded as of little consequence, was that his soldiers, who had not been in a position to observe the rioting that had been going on at the Army barriers, would almost certainly be unable to identify anyone as a rioter, save where, when they arrived, they were met by people who were rioting at that time.

- 4.18** Colonel Wilford failed to inform Brigade that in his view the situation had changed and that the only prospect of making any arrests was to send his soldiers in vehicles into the Bogside. He then failed to obey the order that Brigadier MacLellan gave, which prohibited any such movement. He thus created a situation in which soldiers chased people down Rossville Street and beyond, in circumstances where it was not possible to distinguish between those who had merely been marching and those who had been rioting. His failure to comply with his orders, instead setting in train the very thing his Brigadier had prohibited him from doing, cannot be justified.
- 4.19** In our view Colonel Wilford can also be criticised on another ground. He sent his soldiers into an area which he regarded as dangerous and which he had told his soldiers was dangerous; an area which his soldiers did not know and where they might come under lethal attack from republican paramilitaries, who dominated that part of the city. He knew that his soldiers would accordingly be very much on their guard, ready to respond instantly with gunfire at identified targets, as they were trained to respond, if they did come under such attack. He knew that his soldiers would not withdraw if they came under lethal attack but were trained not just to take cover, but instead to move forward and, as he himself put it, seek out the “*enemy*”.
- 4.20** In these circumstances, on his own estimation of the danger of lethal attacks by republican paramilitaries, Colonel Wilford must have appreciated that there was a significant risk that sending his soldiers into the Bogside on an arrest operation could lead to an armed engagement with republican paramilitaries. He should have appreciated that if this did happen, then there was also, in view of the numbers of people around, a significant risk that people other than soldiers’ justifiable targets would be killed or injured, albeit by accident, from Army gunfire. To our minds this was another reason why Colonel Wilford should not have launched an incursion into the Bogside.
- 4.21** The fact that what in the event happened on Bloody Sunday when the soldiers entered the Bogside was not a justifiable response to a lethal attack by republican paramilitaries, but instead soldiers opening fire unjustifiably, cannot provide an answer to this criticism, which is based not on what happened, but what at the time Colonel Wilford thought might happen.
- 4.22** We have found nothing that suggests to us that Colonel Wilford can be blamed for the incident in which soldiers fired from the derelict building in William Street and injured Damien Donaghey and John Johnston. However, the question remains as to whether he

realised, or should have realised, that the risk of unjustifiable firing by soldiers if he sent them into the Bogside was such that for this reason he should not have ordered them to go in.

4.23 As one of the officers (given the cipher Captain 128), who was a member of 2nd Battalion, The Royal Green Jackets and was present on the day, told us, when a soldier hears shots and believes that he is under fire, his automatic reaction is to fire himself, which is a difficult reaction to stop; and when firing breaks out in a tense situation it can spread very quickly and is very difficult to control. It could thus be said that Colonel Wilford should have appreciated that by sending soldiers into an unfamiliar area, which they had been told was and which they perceived to be a dangerous area, there was a risk that they might mistakenly believe that they had come under attack from republican paramilitaries and in that belief open fire without being satisfied that they had identified people who were posing a threat of causing death or serious injury; and that because of that risk, he should not have sent soldiers into the Bogside. In the end, however, we consider that on this specific ground Colonel Wilford cannot fairly be criticised for giving the orders he did. We take the view that Colonel Wilford cannot be blamed for failing to foresee that the risk of his soldiers firing unjustifiably was such that he should not have given the orders he did.

4.24 In summary, therefore, in our view Colonel Wilford should not have sent soldiers of Support Company into the Bogside for the following reasons:

- because in doing so he disobeyed the orders given by Brigadier MacLellan;
- because his soldiers, whose job was to arrest rioters, would have no or virtually no means of identifying those who had been rioting from those who had simply been taking part in the civil rights march; and
- because he should not have sent his soldiers into an unfamiliar area which he and they regarded as a dangerous area, where the soldiers might come under attack from republican paramilitaries, in circumstances where the soldiers' response would run a significant risk that people other than those engaging the soldiers with lethal force would be killed or injured by Army gunfire.

4.25 There remains the suggestion that Colonel Wilford's soldiers should have been instructed that in order to minimise the risk to innocent people, if on going into the Bogside they came under attack from paramilitaries, or believed that this had happened, they should

disengage and withdraw rather than return fire. In our view this is a hypothetical question, since for the first two of the reasons we have given above Colonel Wilford should not have sent soldiers into the Bogside, with or without special instructions.

Major Loden

- 4.26** Those representing the families of the deceased and the wounded criticised Major Loden, the Commander of Support Company, on the ground that he failed to exercise any proper control over his soldiers or their firing.
- 4.27** In our view, events moved so fast after the soldiers had disembarked in the Bogside that Major Loden had no idea what was actually going on; he assumed that his soldiers had come under attack from republican paramilitaries and were responding. It could be said that another officer in Major Loden's position might have appreciated earlier that, in view of the amount of Army gunfire, something seemed to be going seriously wrong; republican paramilitaries were not known to take on troops in force, but usually sniped at individuals from positions of cover. In consequence such an officer might have made greater efforts to control the situation.
- 4.28** Major Loden was surprised by the amount of firing. However, he did not initially appreciate that something was wrong and did not order a ceasefire or give any other instructions to his soldiers until after all the casualties had been sustained. We consider that it was not unreasonable for him initially to believe, as he did, that his soldiers, by going into an area dominated by paramilitaries, had for once encountered paramilitary resistance in strength, to which they were responding. We accept his evidence that in this belief, it was not for him to control or stop his soldiers' firing, but to leave this to the platoon and section commanders. We also accept, for the reasons he gave, that he could not see the targets that his soldiers were engaging and thus could not tell whether or not the firing was unjustified.
- 4.29** In our view, at the time the casualties were being sustained, Major Loden neither realised nor should have realised that his soldiers were or might be firing at people who were not posing or about to pose a threat of causing death or serious injury. However, we consider that at the time when he did tell his soldiers not to fire back unless they had identified positive targets, he probably did realise that the firing that was taking place then was, or might be, unjustified. By this stage all the casualties had been sustained and there had been a pause in the firing.

Lieutenant N

- 4.30** Lieutenant N, the Commander of Mortar Platoon, failed to appreciate, as he should have done, that firing unjustified shots over the heads of people in the alleyway leading into Chamberlain Street was likely to lead other soldiers mistakenly to believe, as some probably did, that Support Company was at that time coming under attack or the threat of attack from republican paramilitaries. As we have said, he was probably responsible for shooting Michael Bridge. However, we take the view that there was in the circumstances (and bearing particularly in mind the speed of events) nothing (apart from refraining from firing his unjustified shots over the heads of people) that he could or should have done to avert the shooting by other members of his platoon. We are not persuaded that he should have realised at the time that his soldiers were firing unjustifiably.

Lieutenant 119

- 4.31** Lieutenant 119 was the Commander of Anti-Tank Platoon. We criticise this officer for allowing four members of his platoon to go into Glenfada Park North, out of his sight and control. Before this happened he appears to have been labouring under the mistaken belief that his soldiers at the low walls of the Kells Walk ramp were responding to paramilitary attacks. We are not persuaded that he should have realised that these soldiers were firing unjustifiably.

Captain 200 and Sergeant INQ 441

- 4.32** Captain 200 was the Commander of Composite Platoon. There is nothing to suggest that he, or Sergeant INQ 441, the Commander of Machine Gun Platoon, was responsible for any of the unjustifiable firing by his soldiers.

The Northern Ireland Civil Rights Association

- 4.33** In our view the organisers of the civil rights march bear no responsibility for the deaths and injuries on Bloody Sunday. Although those who organised the march must have realised that there was probably going to be trouble from rioters, they had no reason to believe and did not believe that this was likely to result in death or injury from unjustified firing by soldiers.

Chapter 5: The overall assessment

- 5.1** The early firing in William Street resulted in two wounded casualties, neither of whom was doing anything that justified either of them being shot. It is possible that the soldiers concerned mistakenly believed that they had identified someone posing a threat of causing death or serious injury. Equally, each of those soldiers may have fired, not believing that his target was posing a threat of causing death or serious injury, but only suspecting that this might have been the case.
- 5.2** The soldiers of Support Company who went into the Bogside did so as the result of an order by Colonel Wilford, which should not have been given and which was contrary to the orders that he had received from Brigadier MacLellan.
- 5.3** With the exception of Private T and with the probable exception of shots Sergeant O said that he fired at someone on a balcony of Block 3 of the Rossville Flats and which, (despite his assertion to the contrary) did not hit anyone, none of the firing by the soldiers of Support Company was aimed at people posing a threat of causing death or serious injury.
- 5.4** We have concluded that the explanation for such firing by Support Company soldiers after they had gone into the Bogside was in most cases probably the mistaken belief among them that republican paramilitaries were responding in force to their arrival in the Bogside. This belief was initiated by the first shots fired by Lieutenant N and reinforced by the further shots that followed soon after. In this belief soldiers reacted by losing their self-control and firing themselves, forgetting or ignoring their instructions and training and failing to satisfy themselves that they had identified targets posing a threat of causing death or serious injury. In the case of those soldiers who fired in either the knowledge or belief that no-one in the areas into which they fired was posing a threat of causing death or serious injury, or not caring whether or not anyone there was posing such a threat, it is at least possible that they did so in the indefensible belief that all the civilians they fired at were probably either members of the Provisional or Official IRA or were supporters of one or other of these paramilitary organisations; and so deserved to be shot notwithstanding that they were not armed or posing any threat of causing death or serious injury. Our overall conclusion is that there was a serious and widespread loss of fire discipline among the soldiers of Support Company.

5.5

The firing by soldiers of 1 PARA on Bloody Sunday caused the deaths of 13 people and injury to a similar number, none of whom was posing a threat of causing death or serious injury. What happened on Bloody Sunday strengthened the Provisional IRA, increased nationalist resentment and hostility towards the Army and exacerbated the violent conflict of the years that followed. Bloody Sunday was a tragedy for the bereaved and the wounded, and a catastrophe for the people of Northern Ireland.

The Background to Bloody Sunday

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Chapter 6: Introduction

- 6.1** Although this Inquiry is concerned with the events of a single day, which has become generally known as “Bloody Sunday”, those events cannot be properly considered in isolation. Thus it has been necessary for us to consider the course of events in Northern Ireland leading up to that day.
- 6.2** The account we give is not intended as a comprehensive history of Northern Ireland. Such a work would be highly complex and in our view is not within our terms of reference. Instead, we have sought to provide the reader with a general background, taking as our starting point the Government of Ireland Act 1920. We deal with the period up to July 1971 in relatively broad terms, before looking in greater detail at the relevant events of the last six months of that year and in greater detail still at what was happening in the weeks immediately preceding Bloody Sunday.
- 6.3** During the course of this Inquiry a number of allegations were made to the effect that members of the British and Northern Ireland Governments, as well as the security forces, had so conducted themselves in the months leading up to Bloody Sunday that they bore a heavy responsibility for what happened on that day. We deal with these allegations at the relevant points in this report.
- 6.4** We have been greatly assisted by reports prepared for this Inquiry by the distinguished historians Professor Paul Arthur and Professor Paul Bew.¹ In addition we read a number of books and consulted other secondary sources, including the reports of inquiries conducted by Lord Cameron and Mr Justice Scarman (later Lord Scarman) into disturbances in Northern Ireland in the 1960s. These sources are listed in the bibliography and, where relevant, identified in footnotes. When dealing with the period after July 1971, including the weeks immediately preceding Bloody Sunday, our account was drawn primarily from the documents and other materials that were collected by this Inquiry, as well as the written and oral evidence to this Inquiry of a number of witnesses. We have also had regard to the submissions made by the interested parties who appeared before us.

¹ [E6.0001-0047](#) (Professor Arthur’s report); [E7.0001-0043](#) (Professor Bew’s report). We have also taken into account the comments made by Professor Arthur and Professor Bew on each other’s reports ([E17.1.1](#); [E17.2.1](#); [E17.3.1](#)), and their answers to written questions posed by the representatives of some of the interested parties to this Inquiry ([E17.4.1](#); [E17.5.1](#); [E17.6.1](#); [E17.7.1](#); [E17.8.1](#); [E17.9.1](#); [E17.10.1](#); [E17.11.1](#)).

A note on terminology

- 6.5** We have used the terms nationalist, republican, unionist and loyalist at various points throughout the report. These words are a convenient way of identifying and referring to groups or ideas, but they also present problems. When capitalised, the terms “Nationalist” and “Unionist” usually refer to specific political parties: the Nationalist Party, the main united Ireland party in Northern Ireland until the late 1960s and early 1970s, and the Ulster Unionist Party, which remained in government in Northern Ireland throughout the period with which this report is concerned. However, “nationalist” and “unionist” are also used to describe wider political and ideological positions concerned with opposition to, or support for, the union between Northern Ireland and the rest of the United Kingdom. In this context, “nationalist” and “unionist” are generally used to indicate a constitutional approach, in contrast to “republican” and “loyalist”, which often (but not always) imply an acceptance of, or belief in, the legitimacy of using violence to advance the relevant cause. These labels are imprecise and the meanings ascribed to them have changed over time and according to context. Where we use these terms in this report we have sought to make clear what we mean by them. They should not be understood as implying that a monolithic set of opinions prevailed among the group that is being identified.
- 6.6** We have also used the terms “Catholic” and “Protestant” as a way of identifying part or all of the Catholic and Protestant communities in Northern Ireland. Again, the context in which these terms are used influences the meaning that should be attached to them, and it is important to stress that no single view or attribute should be ascribed to either community as a whole.

Chapter 7: The period up to July 1971

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The formation of Northern Ireland

- 7.1** The Act of Union 1800 provided that Great Britain and Ireland should be united with effect from 1st January 1801, thereby forming the United Kingdom of Great Britain and Ireland.

- 7.2 The 19th and early 20th centuries saw increasing tension within Ireland between those in favour of maintaining the union with Great Britain, and those who sought varying degrees of Irish political autonomy and independence. To a significant, but by no means universal, degree these competing traditions reflected the religious denomination of the population, with Protestants identified with support for the union, and Catholics with the nationalist cause.
- 7.3 The threat and reality of violence grew in the years before the First World War, and in 1916 the Irish Republic was unilaterally declared during the Easter Rising. The Republic was stated to be a “Sovereign Independent State” which was “*entitled to ... the allegiance of every Irishman and Irishwoman*”. Although the Rising was suppressed, in January 1919 the First Dáil, comprising representatives who had been elected to the United Kingdom Parliament but who refused to take their seats there, ratified the declaration of the Republic and asserted that “*the elected Representatives of the Irish people alone have power to make laws binding on the people of Ireland*”. The same month saw the outbreak of the Anglo–Irish War, also called the Irish War of Independence.
- 7.4 In the following year, the United Kingdom Parliament at Westminster passed the Government of Ireland Act 1920. In effect, the Act divided the island of Ireland into two jurisdictions, providing for a Parliament of Southern Ireland and a Parliament of Northern Ireland. The Act gave each of these parliaments self-governing powers to make laws “*for the peace, order and good government*” of their respective territories. However there were significant limitations to the legislative powers granted to these parliaments, as areas including defence and foreign affairs remained within the sole jurisdiction of the Westminster Parliament. Further, as a matter of constitutional theory, the two parliaments in Ireland owed their existence and their powers to a statute that could be amended or repealed by the Westminster Parliament.
- 7.5 Under the Government of Ireland Act 1920, Northern Ireland consisted of the six parliamentary counties of Antrim, Armagh, Down, Londonderry, Fermanagh and Tyrone and the parliamentary boroughs of Belfast and Londonderry. The jurisdiction of the Parliament of Southern Ireland extended over the other 26 counties in the island of Ireland.
- 7.6 Northern Ireland had a majority Protestant population, and the six counties and two boroughs were selected for that reason. The province of Ulster (one of the four historic provinces of Ireland) also included the predominantly Catholic counties of Donegal, Cavan and Monaghan. The exclusion of these three counties from Northern Ireland

ensured the demographic and political ascendancy of the Protestant population and led to the charge that gerrymandering was inherent in Northern Ireland from its creation. At the time of partition, the population of Northern Ireland was about 1.2 million. By 1971, this had risen to just over 1.5 million, of whom approximately a third were Catholics.¹

¹ These figures are taken from information on the Conflict Archive on the Internet (CAIN) website <http://cain.ulst.ac.uk/ni/popul.htm>, which cites among other sources Paul Compton et al., *Northern Ireland: A Census Atlas*, London: Gill and Macmillan, 1981.

- 7.7** All 26 counties of Southern Ireland had Catholic majorities. Although the Government of Ireland Act 1920 established the Parliament of Southern Ireland, the vast majority of those returned to it in the election of May 1921 chose instead to constitute themselves as the Second Dáil of the Irish Republic.
- 7.8** In December 1921, the United Kingdom Government and representatives of the Second Dáil signed the Anglo–Irish Treaty. This provided that Ireland would have the same constitutional status within the British Empire as the existing Dominions of Canada, Australia, New Zealand and South Africa, and would be styled and known as the “Irish Free State”. The Irish Free State would have a Parliament with “*powers to make laws for the peace, order and good government of Ireland*”, and an Executive. While the first article envisaged that the Treaty would apply to the whole of the island of Ireland, Articles 11 and 12 in effect allowed the Parliament of Northern Ireland to exclude Northern Ireland from the powers of the Parliament and Government of the Irish Free State, with the result that the Government of Ireland Act 1920 would continue to have full force and effect within Northern Ireland. In such circumstances, the Treaty provided for the appointment of a Boundary Commission to determine the borders of Northern Ireland.
- 7.9** As expected, the Parliament of Northern Ireland did choose to withdraw from the authority of the Irish Free State. Although the Boundary Commission was appointed, no changes were made to the border. Thus the Northern Ireland Parliament created by the 1920 Act, which by then was established at Stormont, continued to have jurisdiction in the six counties and two boroughs, while the remaining 26 counties constituted the Irish Free State.
- 7.10** The Treaty, and in particular the provisions relating to the status of the Irish Free State as a Dominion and the Oath of Allegiance to be sworn by its members of Parliament, precipitated the outbreak of the Irish Civil War of 1922–1923. The conflict was largely confined to the 26 counties of the Irish Free State, with those supporting the Treaty prevailing.

7.11 In 1936 and 1937 the Irish Free State Government introduced the Executive Authority (External Relations) Act 1936 and associated legislation, which limited the role of the monarch to acting as head of state in external affairs. The Bunreacht na hÉireann (Irish Constitution), enacted in July 1937, renamed the state Éire or, in the English language, Ireland.¹ Article 12 of the Constitution established the office of President of Ireland. Articles 2 and 3 laid territorial claim to all 32 counties of the island of Ireland, including those that constituted Northern Ireland. Many within the Protestant community in Northern Ireland regarded Articles 2 and 3 as a threat to the territorial and constitutional integrity of Northern Ireland and the United Kingdom.

¹ The name of the state is Ireland, not the “Republic of Ireland” which is merely its “description” (see the Republic of Ireland Act 1948 and *Ellis v O’Dea* [1989] IR 530). In this report we use the terms “Irish Republic”, “the Republic” or similar expressions to describe the political entity of Ireland, so as to avoid confusion with the geographical term denoting the island of Ireland.

7.12 The Irish legislature severed the final constitutional link between Éire and the monarch by passing the Republic of Ireland Act 1948. This repealed the Executive Authority (External Relations) Act 1936 and allowed for the President, on the authority and advice of the Government, to “*exercise the power or any executive function of the State in or in connection with its external relations*”. The Act also declared that “*the description of the State shall be the Republic of Ireland*”. In response the Westminster Parliament passed the Ireland Act 1949. While this Act recognised that the Republic of Ireland no longer formed part of His Majesty’s dominions, it contained the unequivocal affirmation that “*in no event will Northern Ireland or any part thereof cease to be a part of His Majesty’s dominions and of the United Kingdom without the consent of the Parliament of Northern Ireland*”. Irreconcilable positions on the “constitutional” or “border” question were thus enshrined in the Ireland Act 1949 and in the Irish Constitution. The relevant provisions of these pieces of legislation did not change in the period that is considered in this report.

7.13 Throughout this period, Northern Irish electors continued to send MPs to the United Kingdom Parliament at Westminster as well as to the Parliament of Northern Ireland at Stormont. However, a Parliamentary convention soon developed at Westminster preventing discussion there of issues considered by the Speaker to be within the proper authority of the Stormont Parliament and Government. The convention, which evolved

from a series of rulings by successive speakers, lasted until the late 1960s.¹

The journalist Peter Taylor wrote that as a result between 1922 and 1968, “*the time spent on Northern Ireland matters at Westminster averaged less than two hours a year*”.²

¹ House of Commons Debates, 1922, vol 151, 27 February–17 March, col 1084–1089; House of Commons Debates, 1922, vol 153, 10 April–12 May, cols 1533–1536; House of Commons Debates, 1923, vol 163, 23 April–11 May, cols 1364–1365; House of Commons Debates, 1923,

vol 163, 23 April–11 May, cols 1624–1625; Paul Rose, *Backbencher's Dilemma*, London: Frederick Muller, 1981, p179.

² Peter Taylor, *States of Terror: Democracy and Political Violence*, London: BBC Books, 1993, p120.

The city of Londonderry

7.14 The city of Londonderry lies in the north-west of Northern Ireland, close to the border with the Republic, as shown on the map below. The distance between Londonderry and Belfast by road is about 70 miles.



- 7.15 In the course of this report we provide a detailed description of the physical and social geography of the city.
- 7.16 The history and name of Londonderry reflect the tensions between the two communities in Northern Ireland. The city, which had grown from a sixth-century monastic settlement, was originally known as Derry, which is still the name preferred by nationalists. In the 17th century, as part of the policy of plantation, the settlement of English and Scottish Protestants was encouraged in the area and the city was renamed Londonderry in recognition of the role played by the City of London in this process. Londonderry's symbolic importance for unionists was enhanced by the successful resistance of the city when besieged by the Catholic forces of James II in 1688–1689, and this helps to explain the subsequent determination of unionists to retain Londonderry within Northern Ireland, despite Catholics constituting the majority of the population of the city and its environs.
- 7.17 In this report, we refer to the city by its official name at the time of publication, Londonderry. We are aware that in 1984 the City Council changed its own name to Derry City Council, that unsuccessful attempts have been made by means of judicial review to have the name of the city formally recognised as Derry,¹ and that in November 2007 Derry City Council resolved to ask the Privy Council to change the name of the city to Derry. In September 2009 the Equality Commission for Northern Ireland recommended that Derry City Council should not proceed with its current proposals for bringing about a change in the name of the city.
- ¹ *Re Application by Derry City Council for Judicial Review* [2007] NIQB 5.
- 7.18 Between 1920 and 1922 Londonderry Corporation, the city's council which was then elected by proportional representation, had a nationalist majority. During this period, the Corporation ceased to fly the Union Flag and withdrew from any official relations with the Northern Ireland Government. However, in 1922 nationalist control gave way to a unionist majority after the Northern Ireland Government changed the local government voting system and redrew electoral boundaries.¹ Such changes took place across Northern Ireland, and resulted in nationalist control being lost from 13 of the 24 councils that had previously been held.² To many nationalists, this was further evidence of unionist gerrymandering of Northern Ireland's political institutions.

¹ E7.006 Professor Bew's report to this Inquiry.

² David McKittrick and David McVea, *Making Sense of the Troubles*, London: Penguin Books, Revised Edition, 2001, p8.

7.19 In 1936 the local government electoral boundaries of Londonderry were again redrawn, resulting in the creation of three wards. Two of these had settled Protestant majorities, and returned a total of 12 councillors. The third ward, the South Ward, was predominantly Catholic and had eight council seats. As the largest party in each ward won all of the available seats, the new system made it inherently likely that Londonderry Corporation would have a unionist majority. According to Lord Cameron, whose report on disturbances in Northern Ireland in 1969 we consider below, the manipulation of the ward boundaries “*effectively decided the permanent result of council elections*”.¹

¹ Cameron Report, *Disturbances in Northern Ireland: Report of the Commission Appointed by the Governor of Northern Ireland*, Northern Ireland Cmnd 532, Belfast: HMSO, 1969, para 136.

7.20 Nationalist grievances over the boundary changes in Londonderry were exacerbated by the property qualification for local government elections across Northern Ireland, which limited the franchise to occupiers of dwelling houses and their spouses. Those who could not vote included sub-tenants, lodgers, servants and children over 21 who were living at home. Lord Cameron reported that: “*Whilst this exclusion affected all sections of the population, it was felt to operate mainly against poorer elements and in particular against Catholics.*”¹

¹ Cameron Report, para 143.

The post-war period to the 1960s

7.21 In Northern Ireland as a whole, the unequal political balance established by partition remained essentially unaltered until the 1960s. The Unionist Party retained control of the Parliament and Government at Stormont, and there appeared to be no prospect that nationalists would be able to form or participate in the executive, or be in a position to influence its policies in any material way.

7.22 1962 saw the end in failure of a six-year armed campaign by the Irish Republican Army (IRA), mainly confined to border areas and attacks on border posts and military installations. During this campaign, known as the “Border Campaign”, both Northern Ireland and (a little later) the Republic of Ireland introduced internment without trial of suspected terrorists.

7.23 Two changes of government in the early 1960s altered the political landscape in Northern Ireland. In 1963, Captain Terence O'Neill succeeded Lord Brookeborough, who had been in power for 20 years, as Prime Minister of Northern Ireland, and the following year Harold Wilson's Labour Government took office following the United Kingdom general election.

- 7.24** Captain O'Neill, like his predecessors the leader of the Unionist Party, embarked on a programme of social and economic reforms with the stated aim of modernising Northern Ireland. Further, he made diplomatic efforts to conciliate the Catholic community, sending public condolences on the death of Pope John XXIII in 1963 and, in 1965, exchanging visits with the then Taoiseach of the Republic of Ireland, Seán Lemass.
- 7.25** Captain O'Neill's reforms attracted considerable support, but they also antagonised unionist opponents and created both expectation and frustration among nationalists. Such sentiments were reinforced by the widespread belief that the new Labour Government in London and in particular the Prime Minister, Harold Wilson, were more sympathetic to nationalists in Northern Ireland than they were to unionists. Of the unionist critics of Captain O'Neill and his policies, the Rev Dr Ian Paisley rapidly became the most prominent. He would go on, in 1971, to co-found and lead the Democratic Unionist Party (DUP), a rival to the established Unionist Party.
- 7.26** In relation to Londonderry and the north-west of Northern Ireland, several decisions made by the O'Neill Government heightened existing suspicions, especially common among nationalists, that the region received little public sector support for investment and economic development. In particular, the decision to site Northern Ireland's new university in the predominantly Protestant town of Coleraine, rather than in Londonderry, the second largest city, caused considerable resentment.¹

¹ Cameron Report, para 37; McKittrick and McVea, *Making Sense of the Troubles*, pp38–39; Thomas Hennessey, *A History of Northern Ireland, 1920–1996*, London: Palgrave, 1997, pp130–131; [E7.005-014](#) Professor Bew's report to this Inquiry; [E6.0016-0019](#) Professor Arthur's report to this Inquiry; [E17.2.3-4](#) Comments by Professor Arthur on Professor Bew's report; [E17.5.7-10](#) Professor Bew's response to questions from representatives of some of the families.

The birth of the civil rights movement

- 7.27** Since the creation of Northern Ireland, there had been allegations that Catholics suffered discrimination in a wide range of areas, including public and private employment, housing and, as we have discussed, local government enfranchisement. It is beyond the scope of this report to consider the extent of such discriminatory practices that did exist, the reasons for them, and counter-claims of discrimination against Protestants in some places in which they were in a minority. Further, we are not qualified to comment upon what effect, if any, Captain O'Neill's reforms had on the situation. Nonetheless, it is apparent that in the late 1960s many (even most) nationalists remained convinced that anti-Catholic discrimination was a prevalent and malign force within Northern Ireland.

7.28 This was particularly the case in Londonderry, where the manipulation of local election wards had led to continuous unionist control of Londonderry Corporation. This caused resentment among the majority Catholic population, not only as a result of the perceived gerrymander, but also because of the belief that the unionist Corporation exercised its powers in employment and housing in a discriminatory manner. In particular, it was felt that the need to retain the demographic pattern that allowed for Protestant majorities in two of the wards in the city meant that housing for Catholics was provided, if at all, almost exclusively in the already overcrowded South Ward, and even then was often of poor quality. Tensions were exacerbated by the decline of traditional industries in the city, which resulted in high levels of unemployment and emigration in the post-war years.¹

¹ [E6.0015-19](#) Professor Arthur's report to this Inquiry; [E7.009-0013](#) Professor Bew's report to this Inquiry; [E17.2.3-4](#) Comments by Professor Arthur on Professor Bew's report; [E17.5.7-9](#) Professor Bew's response to questions from representatives of some of the families; Cameron Report, para 37; Niall Ó Dochartaigh, "A Short Historical Background to the Conflict", *From Civil Rights to Armalites: Derry and the Birth of the Irish Troubles*, Basingstoke: Palgrave Macmillan, 2005, first published 1997, ppixiii–xv.

7.29 The 1960s saw the emergence of civil rights movements in many places around the world; and Northern Ireland was no exception. Influenced in particular by the campaigns of Dr Martin Luther King in the United States, a number of disparate groups emerged in Northern Ireland. These drew support from a wide range of sources: IRA volunteers, radical activists and students, supporters of the Northern Ireland Labour Party and trades unionists, and more moderate voices from the Catholic middle classes and the Nationalist Party, the traditional constitutional party representing Northern Ireland's Catholics. Although it is convenient to refer to the "civil rights movement" as a whole, the different objectives and outlooks of those involved should not be understated.¹

¹ McKittrick and McVea, *Making Sense of the Troubles*, pp38–40; Hennessey, *History of Northern Ireland*, pp136–137; Ó Dochartaigh, "A Short Historical Background to the Conflict", *Civil Rights to Armalites*, pxiv; Paul Bew, Peter Gibbon and Henry Patterson, *Northern Ireland 1921–1996: Political Forces and Social Classes*, London: Serif, 1996, pp149–155.

7.30 In early 1967 a committee was formed in Belfast that established the Northern Ireland Civil Rights Association (NICRA), the most prominent of the civil rights movements to emerge in Northern Ireland.¹

¹ McKittrick and McVea, *Making Sense of the Troubles*, p38; Paul Bew and Gordon Gillespie, *Northern Ireland: A Chronology of the Troubles, 1968–1993*, Dublin: Gill and Macmillan, 1993, p1; [FS10.15](#) Final Submissions on Behalf of NICRA.

7.31 The original constitution¹ of NICRA was modelled on that of the National Council for Civil Liberties in Great Britain, with which NICRA had informal links. It was a rule of NICRA that there should be no bar on membership by reason of political affiliations, provided there was genuine acceptance of its objects and constitution.² Clause 3 of its original

constitution provided that the Association “*shall be non-party and non-denominational*”.³ The objects of the organisation were stated to be the recovery, maintenance and enlargement of “*civil liberties, including freedom of speech, propaganda and assembly*”.⁴

¹ Later NICRA adopted a second constitution, which was in place at the time of Bloody Sunday. [FS10.15](#); [FS10.17-22](#) Final Submissions on Behalf of NICRA.

³ [GEN5.1](#)

⁴ [GEN5.1](#)

² Cameron Report, para 187.

7.32

While NICRA was the best known of the civil rights associations other groups, such as the Campaign for Social Justice, had already formed, some with similar or overlapping aims.¹ In Londonderry, a number of local causes and organisations, such as the campaign to site the new university in the city, the local Credit Union and the Derry Housing Association, mobilised public opinion and brought a new generation of civil rights leaders, including John Hume, Michael Canavan and Ivan Cooper among others, to prominence.²

¹ Hennessey, *History of Northern Ireland*, pp126–137; McKittrick and McVea, *Making Sense of the Troubles*, p38.

² Ó Dochartaigh, “A Short Historical Background to the Conflict”, *Civil Rights to Armalites*, ppix–xv; Paul Routledge, *John Hume*, London: HarperCollins, 1998, first published 1997, pp38–58.

7.33

The civil rights movement drew its support predominantly from the Catholic, nationalist community.¹ Despite its declared aims, many unionists regarded it as a cloak for the IRA and other groups intent on undermining and destroying the union.² We deal with the issue of IRA infiltration of NICRA later in this report.³

¹ McKittrick and McVea, *Making Sense of the Troubles*, pp38–40; Hennessey, *History of Northern Ireland*, pp126–138; Ó Dochartaigh, “A Short Historical Background to the Conflict”, *Civil Rights to Armalites*, ppix–xv.

² McKittrick and McVea, *Making Sense of the Troubles*, pp43–44; Ken Bloomfield, *Stormont in Crisis: A Memoir*, Belfast: Blackstaff, 1994, p100.

³ [Paragraphs 9.65–86](#)

Protest marches and violence

7.34

In the summer of 1968, Austin Currie, a Nationalist Member of the Stormont Parliament, highlighted the case of a young unmarried Protestant woman who had been allocated a house in the County Tyrone village of Caledon, near Dungannon, in preference to two Catholic families. Lord Cameron, in his report on the disturbances that followed, found that this allocation had been made in effect by a local unionist councillor, and that the woman could not, by any stretch of the imagination, be regarded as a priority tenant. Austin Currie and others occupied the house in question, but they, and a family of Catholic squatters in the adjoining property, were evicted in June 1968.¹

¹ Cameron Report, paras 26–28; McKittrick and McVea, *Making Sense of the Troubles*, p40.

7.35 These incidents were widely publicised and led in July 1968 to the first protest march sponsored by NICRA and other groups. NICRA had previously concentrated on taking up individual complaints rather than making mass protests. The march was re-routed by the police following representations by prominent unionists and the announcement of a public meeting, organised by the Ulster Protestant Volunteers, which was to take place on the same day and at the intended destination of the march. In the event the march, from Coalisland to Dungannon, passed off without any breach of the peace. However, the pattern of demonstration and counter-demonstration was established and was to be repeated on many future occasions.¹

¹ Cameron Report, paras 30–36; Hennessey, *History of Northern Ireland*, p138; McKittrick and McVea, *Making Sense of the Troubles*, p41.

7.36 In his report on the disturbances in Northern Ireland in 1968 and early 1969, Lord Cameron gave the following explanation of the tactic of counter-demonstration:¹

“To put forward proposals for a march or demonstration which, if pursued, would clash in time or place with another already proposed on behalf of an organisation of an opposite political colour has been for long a recognised tactic of obstruction in Northern Ireland. In such an event the purpose of the proposed counter demonstration or march is to secure the prohibition or rerouting of the original march or demonstration. Once this is achieved the proposed counter demonstration is allowed to lapse.”

¹ Cameron Report, para 41.

7.37 The next march was in Londonderry on 5th October 1968. This was organised by an ad hoc group of local left wing activists and members of the Derry Housing Action Committee, in association with NICRA, whose secretary gave the required statutory notice of the intention to hold a march.¹

¹ Cameron Report, para 39.

7.38 The proposed route for the march started in the Waterside, a predominantly Protestant area on the eastern side of the Foyle, and ended in the Diamond, a square in the middle of the historic walled city. The route was, as Lord Cameron noted in his report, one that was commonly followed by Protestant and loyalist marches in Londonderry.¹

¹ Cameron Report, para 40.

7.39 There was strong local opposition to the march from unionists, some of whom set about organising, or at least declaring their intention to organise, a march of the Apprentice Boys of Derry on the same route on the same day and at virtually the same time.

On 3rd October 1968 William Craig, then Minister of Home Affairs, made an order under Section 2 of the Public Order Act (Northern Ireland) 1951, prohibiting all processions in the Waterside or within the walls of the city.¹

¹ Cameron Report, paras 40–42.

7.40 Despite misgivings voiced by representatives of NICRA, the organisers decided to ignore the ban and proceed with the march.¹

¹ Cameron Report, para 43; Eamonn McCann, *War and an Irish Town*, London: Pluto Press, 1980, first published 1974, pp40–41.

7.41 One effect of the ban was to swell the numbers who took to the streets on 5th October 1968, many incensed by what they regarded as unwarranted interference by the Minister.¹

¹ Cameron Report, para 44.

7.42 The marchers gathered at Waterside Railway Station and moved along Duke Street to a point about 50 yards from Craigavon Bridge where a police barrier had been hastily erected.¹ Lord Cameron reported that at this stage “*batons were used by certain police officers without explicit order*”.² Among those struck were the Westminster MP Gerry Fitt and the Stormont MP Eddie McAteer, who had been at the head of the march.³ Television pictures of this incident, and in particular of a head wound sustained by Gerry Fitt, quickly became famous,⁴ and Lord Cameron stated that the use of batons on these men was “*wholly without justification or excuse*”.⁵ Further disturbances followed, as some of the crowd threw stones and the police “*broke ranks and used their batons indiscriminately on people in Duke Street*”.⁶ The crowd were subsequently dispersed by what Lord Cameron described as the indiscriminate and unnecessary use of water cannons.⁷

¹ Cameron Report, paras 48–49.

⁵ Cameron Report, para 49.

² Cameron Report, para 49.

⁶ Cameron Report, para 51.

³ Cameron Report, para 49.

⁷ Cameron Report, para 51.

⁴ McKittrick and McVea, *Making Sense of the Troubles*, p42; Cameron Report, para 55.

7.43 Later in the day violence flared in and around the Diamond, where other marchers had gathered, and the ensuing rioting continued into the following day.¹ Lord Cameron attributed these later disturbances to “*Hooligan elements wholly unassociated with the Civil Rights demonstrators*”, who had taken advantage of a minor clash between the police and the marchers over the removal of a political banner.²

¹ Cameron Report, para 52; Ó Dochartaigh, *Civil Rights to Armalites*, pp17–19.

² Cameron Report, para 54.

7.44 In total, 11 policemen and 77 civilians were injured, the great majority of the latter having bruises and lacerations, mainly to the head.¹ In his report, Lord Cameron criticised the organisation and stewarding of the march, and noted that some extremist and hooligan elements had sought to provoke or take advantage of violence or confrontation.² However, he was also critical of the police, stating that their handling of the situation in Duke Street was “*ill coordinated and ill conducted*”, and that the use of batons there was “*probably unnecessary and in any event premature ... [and later] lacking in proper control*”.³ He concluded that: “*There was use [by the police] of unnecessary and ill controlled force in the dispersal of the demonstrators, only a minority of whom acted in a disorderly and violent manner.*”⁴

¹ Cameron Report, para 53.

³ Cameron Report, para 54(8).

² Cameron Report, para 54(2),(3),(5),(7).

⁴ Cameron Report, para 229.

7.45 The events of 5th October 1968 provoked an overwhelmingly hostile response outside Northern Ireland, especially as a result of the television footage.¹ The United Kingdom Government increased pressure on the Northern Ireland Government to increase the pace of reform, and the longstanding convention that Northern Irish affairs were not discussed at Westminster was ousted.² Within Northern Ireland, the Catholic population was outraged,³ the more so when the Stormont Cabinet tabled a motion congratulating the Royal Ulster Constabulary (RUC).⁴ At Queen’s University, Belfast, a new and more radical civil rights group, People’s Democracy, was formed out of the protests that followed the Londonderry disturbances.⁵

¹ Ó Dochartaigh, *Civil Rights to Armalites*, p19 and p24; McKittrick and McVea, *Making Sense of the Troubles*, p42; Hennessey, *History of Northern Ireland*, p142.

³ McKittrick and McVea, *Making Sense of the Troubles*, pp42–46.

² McKittrick and McVea, *Making Sense of the Troubles*, pp42–46; Hennessey, *History of Northern Ireland*, pp142–143; Ó Dochartaigh, *Civil Rights to Armalites*, p24; Bloomfield, *Stormont in Crisis*, pp98–99.

⁴ [E6.0021](#) Professor Arthur’s report to this Inquiry.

⁵ Cameron Report, paras 56–61; [E6.0021-0022](#) Professor Arthur’s report to this Inquiry.

7.46 In Londonderry a moderate group, the Derry Citizens’ Action Committee, which was led by Ivan Cooper and John Hume, was instrumental in stabilising the situation in the aftermath of the events of 5th October 1968. Although there were sit-ins and marches (including marches organised by unionist political groupings), there was no significant violence.¹ A further government ban on marches within the City Walls was imposed for a month at the end of 1968. Lord Cameron described this ban as unenforceable and “*therefore not only useless but mischievous*”; it did much, he thought, to increase tension.² The announcement of the ban was followed on 16th November 1968 by the

largest procession since the beginning of the civil rights campaign, in which at least 15,000 took part.³ Lord Cameron reported that thanks to the organisers, and particularly to John Hume, the procession passed off peacefully.⁴

¹ Cameron Report, paras 62–65.

³ Cameron Report, para 65.

² Cameron Report, paras 166–167.

⁴ Cameron Report, paras 62–65, 166–167.

The developing demands of the civil rights movement

7.47 This period saw NICRA and other organisations focus their campaign for civil rights on a number of specific issues. NICRA’s demands included, among other matters:¹

1. fundamental changes in the system of local government elections, including the redrawing of electoral boundaries and the introduction of universal adult suffrage (“*one man one vote*”);
2. the passing of anti-discrimination legislation in Northern Ireland;
3. reform of the way in which public housing was allocated through the introduction of a points-based assessment system;
4. the repeal of the Civil Authorities (Special Powers) Act (Northern Ireland) 1922, a piece of legislation that gave the authorities far-reaching powers that were regarded by civil rights campaigners as oppressive; and
5. the disbandment of the Ulster Special Constabulary, known commonly as the B Specials, a part-time police force formed in 1920, that was by the late 1960s exclusively Protestant and, according to Mr Justice Scarman, “*Totally distrusted by the Catholics*”.

¹ Scarman Report, *Report of the Tribunal of Inquiry into Violence and Civil Disturbances in Northern Ireland in 1969*, Cmd 566, Belfast: HMSO, 1972, para 3.11. See also Cameron Report, paras 144–145; Sydney Elliott and WD Flackes, *Northern Ireland: A Political Directory, 1968–1999*, Belfast: Blackstaff Press, 1999, pp640–641; McKittrick and McVea, *Making Sense of the Troubles*, p38.

7.48 Arguably the most potent of these demands was the call for local electoral reform,¹ as was well demonstrated by the situation in Londonderry. Lord Cameron estimated that across Northern Ireland the property qualification excluded one quarter of those entitled to participate in Stormont elections, where universal adult suffrage was used, from voting in local government elections.² As is noted above, the effect of this disenfranchisement fell disproportionately on the Catholic community.³ In Londonderry, the property

qualification and the electoral ward system combined to produce what Lord Cameron (using the 1967 figures) described as the “*extraordinary situation*” whereby “*sixty per cent of the adult population was Catholic, but where sixty per cent of the seats on the Corporation were held by Unionists*”.⁴

¹ McKittrick and McVea, *Making Sense of the Troubles*, p38. ³ Cameron Report, para 143.

² Cameron Report, para 143.

⁴ Cameron Report, para 134.

7.49 Although there is some dispute as to the effect that the introduction of universal adult suffrage at local elections would have had on its own (without, for example, accompanying boundary changes), there is no doubt that wider reform would have challenged unionist control of councils, especially in the west of Northern Ireland. Hence civil rights marchers’ demands for “*one man one vote*” and new electoral wards were strongly resisted.¹

¹ Cameron Report, para 143; McKittrick and McVea, *Making Sense of the Troubles*, p38.

The reforms of November 1968

7.50 On 22nd November 1968, under pressure from the United Kingdom Government (which is often referred to as “the Westminster Government” or simply “Westminster”), the Stormont Government announced a reform programme. This included encouraging local councils to use a new merit-based points system for the allocation of public housing, a commitment to abolish the Special Powers Act as soon as was practicable, the appointment of a Parliamentary Commissioner for Administration (generally referred to as the Ombudsman) to investigate complaints of maladministration, and the abolition of the company vote, which gave voting rights to corporate bodies in local government elections.¹ In relation to Londonderry, it was announced that the unionist-controlled Corporation was to be replaced with a Development Commission. This body, which took over the administration of the city in the spring of 1969, consisted of nine Commissioners, all of whom were appointed by the Northern Ireland Government.²

¹ Hennessey, *History of Northern Ireland*, p143; McKittrick and McVea, *Making Sense of the Troubles*, p46; Ó Dochartaigh, *Civil Rights to Armalites*, pp27–28; Elliott and Flackes, *Political Directory*, p378.

² Ó Dochartaigh, *Civil Rights to Armalites*, p28 and pp88–90; Elliott and Flackes, *Political Directory*, p229.

7.51 Many in the civil rights movement regarded these proposals as too little and too late.¹ The Campaign for Social Justice (CSJ) expressed the view that the proposed Development Commission was merely a means of avoiding dealing with gerrymandering, that the new points system could be manipulated by local authorities to maintain advantages for unionists, and that there was no clear promise to repeal the Special

Powers Act.² Most significantly, the reforms did not allow for universal adult suffrage in local elections, a source of grievance for the CSJ and many others.³ Despite this, the announcement of the reforms eased the situation in Londonderry where more radical elements within the civil rights movements had begun to organise spontaneous marches and threats of marches, something that the Derry Citizens' Action Committee opposed.⁴

¹ Hennessey, *History of Northern Ireland*, p143; Ó Dochartaigh, *Civil Rights to Armalites*, p28.

² Hennessey, *History of Northern Ireland*, pp144–145.

³ Hennessey, *History of Northern Ireland*, pp144–145; Ó Dochartaigh, *Civil Rights to Armalites*, p28; McKittrick and McVea, *Making Sense of the Troubles*, pp44–45.

⁴ Cameron Report, para 67.

7.52

The reaction of unionists was mixed. While many supported or accepted the reforms, others were highly critical.¹ William Craig, then Minister of Home Affairs, resisted the reforms within Cabinet and was less than supportive of some of his Government's proposals in public speeches. In particular, he questioned what he perceived to be the undue influence of Westminster in the internal affairs of Northern Ireland.²

¹ McKittrick and McVea, *Making Sense of the Troubles*, pp43–44; Ó Dochartaigh, *Civil Rights to Armalites*, p28 and pp88–90.

² McKittrick and McVea, *Making Sense of the Troubles*, p43; Hennessey, *History of Northern Ireland*, pp144–145.

7.53

In December 1968 Captain O'Neill made a direct appeal to the people of Northern Ireland for calm and for an end to the growing disorder in a televised address that became known as his "*Ulster stands at the crossroads*" speech. To unionists he pointed out that unless there was a programme of change and reform instituted by the Stormont Government it was likely that the Westminster Government would take matters into its own hands. To civil rights campaigners, he insisted that the proposed reforms did represent real progress and that even if they were not satisfied, they should desist from street demonstrations so as to allow a more favourable atmosphere for change to develop.¹

¹ Hennessey, *History of Northern Ireland*, p147.

7.54

In the same month, Captain O'Neill dismissed William Craig from office following a speech in which the latter had stated that he would: "*resist any effort by any government in Great Britain ... to interfere with the proper power and jurisdiction of the parliament and government of Northern Ireland.*" William Craig went to the Unionist backbenches, joining those who had already expressed opposition to the course being taken by the Stormont Government, some of whom were calling for Captain O'Neill to resign.¹

¹ McKittrick and McVea, *Making Sense of the Troubles*, p47; Hennessey, *History of Northern Ireland*, pp148–149.

The People's Democracy march

7.55 Captain O'Neill's appeal for calm was heeded by much of the civil rights movement, and a suspension of demonstrations and marches was announced.¹ However, People's Democracy, the radical group that had grown out of student protests following the 5th October 1968 disturbances in Londonderry, ignored these developments. Seeking to emulate Dr Martin Luther King's march from Selma to Montgomery in 1965, People's Democracy announced later in December a four-day march from Belfast to Londonderry.²

¹ McKittrick and McVea, *Making Sense of the Troubles*, p48; Hennessey, *History of Northern Ireland*, p148; Ó Dochartaigh, *Civil Rights to Armalites*, p29.

² Cameron Report, paras 56–61 and paras 89–90; McKittrick and McVea, *Making Sense of the Troubles*, p48; Hennessey, *History of Northern Ireland*, pp150–151; Ó Dochartaigh, *Civil Rights to Armalites*, p29, Bew and Gillespie, *Chronology of the Troubles*, p10.

7.56 The march, which took place contrary to the views and the advice of the Derry Citizens' Action Committee and prominent figures in the Nationalist Party, began on 1st January 1969.¹ On the fourth day the marchers were attacked by groups of loyalists, some of whom were said to be off-duty B Specials, at Burntollet Bridge in County Londonderry.² Lord Cameron stated that the incident was a "*disgraceful episode*" that bore the marks of careful preparation.³ There had already been a riot in Londonderry the previous evening; Lord Cameron found that this arose out of a combination of "*sectarian feeling*" brought about by a prayer meeting held by Dr Ian Paisley in the city's Guildhall, and "*the gathering of irresponsible and lawless elements many of whom were influenced by drink*".⁴ He added that although the rioting had been blamed on supporters of the civil rights movement, it had not been incited or fomented in any way by any civil rights organisation or responsible local body.⁵

¹ Cameron Report, para 90; Hennessey, *History of Northern Ireland*, p151; Bew and Gillespie, *Chronology of the Troubles*, pp11–12.

³ Cameron Report, para 99.

⁴ Cameron Report, para 96 and para 174.

² Ó Dochartaigh, *Civil Rights to Armalites*, p35; McKittrick and McVea, *Making Sense of the Troubles*, p48; Hennessey, *History of Northern Ireland*, p151; Bew and Gillespie, *Chronology of the Troubles*, pp11–12; McCann, *War and an Irish Town*, p51.

⁵ Cameron Report, para 96.

7.57 Further violence occurred when the People's Democracy marchers reached the outskirts of the city following the Burntollet attack.¹ Lord Cameron reported that on that night, 4th/5th January 1969, there was a breakdown of discipline among some members of the RUC in Londonderry. A number of officers, he wrote, were guilty of misconduct including assault and battery, malicious damage to property in the Catholic Bogside area of the city, and the use of provocative sectarian and political slogans.²

¹ Cameron Report, para 100.

² Cameron Report, para 177.

7.58 These events led to the establishment of the first “no go” areas in Londonderry. Residents of the Bogside and other predominantly Catholic parts of the city erected barricades and organised vigilante patrols to prevent the RUC or loyalist crowds from entering their neighbourhoods.¹ The famous slogan, “*You are now entering Free Derry*”, was painted for the first time on a prominent gable wall in the Bogside.²

¹ Ó Dochartaigh, *Civil Rights to Armalites*, p30 and pp35–37; ² McCann, *War and an Irish Town*, p53; Eamonn McCann, “Setting the ‘free Derry’ record straight”, *Sunday Journal*, 21st October 2008.

The Cameron Enquiry

7.59 In the middle of January 1969, after further demonstrations and counter demonstrations in Northern Ireland, the Stormont Government announced that it would set up a Commission of Enquiry to look into the violence and civil disturbances that had started with the events in Londonderry on 5th October 1968. This led to the resignation of Brian Faulkner, the Deputy Prime Minister and Minister of Commerce, from the Stormont Government, on the grounds that to appoint a commission was an abdication of government responsibility.¹

¹ Brian Faulkner (ed John Houston), *Memoirs of a Statesman*, London: George Weidenfeld and Nicolson, 1978, p51.

7.60 The Commission of Enquiry was established at the beginning of March 1969, headed by Lord Cameron. He produced his report, to which we have already referred, in September 1969. It summarised its conclusions in the following terms:¹

“229. Having carried out as full an investigation as lay within our competence we can summarise our conclusions upon the immediate and precipitating causes of the disorders which broke out in Londonderry on 5th October 1968 and continued thereafter both in Londonderry and elsewhere on subsequent dates. These are both general and particular.

(a) General

(1) A rising sense of continuing injustice and grievance among large sections of the Catholic population in Northern Ireland, in particular in Londonderry and Dungannon, in respect of (i) inadequacy of housing provision by certain local authorities (ii) unfair methods of allocation of houses built and let by such authorities, in particular; refusals and omissions to adopt a ‘points’ system in determining priorities and making allocations (iii) misuse in certain cases of discretionary powers of allocation of houses in order to perpetuate Unionist control of the local authority (paragraphs 128–131 and 139).

(2) Complaints, now well documented in fact, of discrimination in the making of local government appointments, at all levels but especially in senior posts, to the prejudice of non-Unionists and especially Catholic members of the community, in some Unionist controlled authorities (paragraphs 128 and 138).

(3) Complaints, again well documented, in some cases of deliberate manipulation of local government electoral boundaries and in others a refusal to apply for their necessary extension, in order to achieve and maintain Unionist control of local authorities and so to deny to Catholics influence in local government proportionate to their numbers (paragraphs 133–137).

(4) A growing and powerful sense of resentment and frustration among the Catholic population at failure to achieve either acceptance on the part of the Government of any need to investigate these complaints or to provide and enforce a remedy for them (paragraphs 126–147).

(5) Resentment, particularly among Catholics, as to the existence of the Ulster Special Constabulary (the 'B' Specials) as a partisan and paramilitary force recruited exclusively from Protestants (paragraph 145).

(6) Widespread resentment among Catholics in particular at the continuance in force of regulations made under the Special Powers Act, and of the continued presence in the statute book of the Act itself (paragraph 144).

(7) Fears and apprehensions among Protestants of a threat to Unionist domination and control of Government by increase of Catholic population and powers, inflamed in particular by the activities of the Ulster Constitution Defence Committee and the Ulster Protestant Volunteers, provoked strong hostile reaction to civil rights claims as asserted by the Civil Rights Association and later by the People's Democracy which was readily translated into physical violence against Civil Rights demonstrators (paragraphs 148–150 and 216–226).

(b) Particular

(8) There was a strong reaction of popular resentment to the Minister's ban on the route of the proposed Civil Rights march in Londonderry on 5th October 1968 which swelled very considerably the number of persons who ultimately took part in the march. Without this ban the numbers taking part would in all probability have been small and the situation safely handled by available police forces (paragraphs 157–165).

(9) The leadership, organisation and control of the demonstrations in Londonderry on 5th October 1968, and in Newry on 11th January 1969 was ineffective and insufficient to prevent violent or disorderly conduct among certain elements present on these occasions (paragraphs 54 and 118).

(10) There was early infiltration of the Civil Rights Association both centrally and locally by subversive left wing and revolutionary elements which were prepared to use the Civil Rights movement to further their own purposes, and were ready to exploit grievances in order to provoke and foment, and did provoke and foment, disorder and violence in the guise of supporting a non-violent movement (paragraphs 187–189 and 193).

(11) This infiltration was assisted by the declared insistence of the Civil Rights Association that it was non-sectarian and non-political, and its consequent refusal to reject support from whatever quarter it came provided that support was given and limited to the published aims of the Association (paragraph 187).

(12) What was originally a Belfast students' protest against police action in Londonderry on 5th October and support for the Civil Rights movement was transformed into the People's Democracy – itself an unnecessary adjunct to the already existing and operative Civil Rights Association. People's Democracy provided a means by which politically extreme and militant elements could and did invite and incite civil disorder, with the consequence of polarising and hardening opposition to Civil Rights claims (paragraphs 194–204).

(13) On the other side the deliberate and organised interventions by followers of Major Bunting and the Rev. Dr. Paisley, especially in Armagh, Burntollet and Londonderry, substantially increased the risk of violent disorder on occasions when Civil Rights demonstrations or marches were to take place, were a material contributory cause of the outbreaks [of] violence which occurred after 5th October, and seriously hampered the police in their task of maintaining law and order, and of protecting members of the public in the exercise of their undoubted legal rights and upon their lawful occasions (paragraphs 222–224).

(14) The police handling of the demonstration in Londonderry on 5 October 1968 was in certain material respects ill co-ordinated and inept. There was use of unnecessary and ill controlled force in the dispersal of the demonstrators, only a minority of whom acted in a disorderly and violent manner. The wide publicity given by press, radio and television to particular episodes inflamed and exacerbated feelings of resentment against the police which had been already aroused by their enforcement of the ministerial ban (paragraphs 168–171).

(15) Available police forces did not provide adequate protection to People's Democracy marchers at Burntollet Bridge and in or near Irish Street, Londonderry on 4th January 1969. There were instances of police indiscipline and violence towards persons unassociated with rioting or disorder on 4th/5th January in Londonderry and these provoked serious hostility to the police, particularly among the Catholic population of Londonderry, and an increasing disbelief in their impartiality towards non-Unionists (paragraphs 97–101 and 177).

(16) Numerical insufficiency of available police force especially in Armagh on 30th November 1968 and in Londonderry on 4th/5th January 1969 and later on 19th/20th April prevented early and complete control and, where necessary, arrest of disorderly and riotous elements (paragraphs 87, 101 and 182).

The Government's announcements on the reform of local government franchise – the 'one man one vote' issue – reform and readjustment of local government administration, including electoral areas and boundaries, introduction of a comprehensive and fair 'points' system in the allocation of Council built houses and the introduction of special machinery to deal with complaints arising out of matters of local administration, go a very considerable way, not only to acknowledge the justice of the complaints on these points but also the expediency and necessity of providing remedies for them."

¹ Cameron Report, para 229.

7.61 In his report, Lord Cameron commented that NICRA had within its membership those whose aims and objects were far different and more radical than those of the association itself, and who would not exclude the use of violence if they thought it necessary or desirable to achieve their aims. However he took the view that during the period that he had considered, NICRA had been able to maintain its avowed policy of non-violent protest and agitation within the limits of the law. He also observed that many who supported NICRA who were neither Catholic nor interested in constitutional changes, violent or otherwise, and these and other moderates had been able, during the period with which he was concerned, to keep NICRA on its originally designed and published course.¹

¹ Cameron Report, para 193.

Political developments, further violence and the deployment of the Army

7.62 The split among unionists between those who supported and those who opposed Captain O'Neill and his policies led him to call a general election in Northern Ireland at the end of February 1969. After a bitter campaign between the two unionist factions, the result gave Captain O'Neill a continued but weakened majority, but did nothing to mend the divisions between unionists. The election was also significant in returning a new generation of nationalist leaders to Stormont, including John Hume and Ivan Cooper.¹

¹ McKittrick and McVea, *Making Sense of the Troubles*, p49.

7.63 There were further disturbances in Londonderry on 19th and 20th April 1969, which might well have led to wide-scale violence but for the successful efforts of John Hume and his colleagues to defuse the situation.¹ However, during the unrest police officers chased a number of youths into the house of Samuel Devenney, a Catholic resident of William Street. The youths escaped, but the police beat Samuel Devenney severely.² He spent several weeks in hospital, before dying on 16th July 1969.³ Although an inquest recorded that Samuel Devenney died of natural causes,⁴ many in the local Catholic community viewed his death as a the result of police brutality.⁵ 15,000 people attended his funeral, which was followed by a silent protest.⁶ This incident added to the growing hostility towards the RUC in the nationalist community in Londonderry.

¹ Cameron Report, paras 121–124.

² David McKittrick, Seamus Kelters, Brian Feeney and Chris Thornton, *Lost Lives*, Edinburgh: Mainstream Publishing, 2001, first published 1999; Ó Dochartaigh, *Civil Rights to Armalites*, p45.

³ McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, p32.

⁴ McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, p32.

⁵ Ó Dochartaigh, *Civil Rights to Armalites*, p47.

⁶ Ó Dochartaigh, *Civil Rights to Armalites*, p47.

7.64 During March and April 1969 a bombing campaign was undertaken against public utilities in Belfast and elsewhere in Northern Ireland. The police initially attributed the campaign to the IRA, though it later emerged that this was the work of loyalist extremists.¹ The bombings, and the victory in April of radical student and civil rights activist Bernadette Devlin in a Westminster by-election for a seat previously held by unionists, increased the pressure on Captain O'Neill.² He resigned as Prime Minister at the end of the month, only a few days after his administration had declared that it would accept universal adult suffrage for local government elections.³

¹ Scarman Report, paras 4.1–5.10.

² McKittrick and McVea, *Making Sense of the Troubles*, pp49–50; Bew and Gillespie, *Chronology of the Troubles*, p14; Elliott and Flackes, *Political Directory*, pp321–322.

³ McKittrick and McVea, *Making Sense of the Troubles*, pp49–50; Bew and Gillespie, *Chronology of the Troubles*, p15.

7.65 On 1st May 1969 Major James Chichester-Clark succeeded Captain O'Neill. He accepted that the O'Neill reforms would continue and that local government boundaries had to be redrawn by an independent commission.¹ He also announced an amnesty for all offences connected with demonstrations since 5th October 1968.²

¹ Hennessey, *History of Northern Ireland*, p162.

² Bew and Gillespie, *Chronology of the Troubles*, p16.

7.66 In May 1969 NICRA suspended its campaign of civil disobedience.¹ Widespread violence, however, soon broke out again as the approach of the marching season, the period during which unionists conducted their traditional summer processions, led to an increase in tension.

¹ Bew and Gillespie, *Chronology of the Troubles*, p16.

7.67 There were disturbances in Londonderry and across Northern Ireland in June and July 1969.¹ This period also saw the emergence in Londonderry of the Derry Citizens' Defence Association, a group that took a more militant stance than the Derry Citizens' Action Committee, and which declared that it was taking over the "defence" of the Catholic Bogside area of the city.²

¹ Scarman Report, paras 6.1–9.73.

² Scarman Report, paras 10.11–10.14.

7.68 A major riot broke out in Londonderry on 12th August 1969, on the occasion of the annual Apprentice Boys' Parade. According to the Scarman Report (which we consider in more detail below) the first missiles were thrown from a crowd in the Bogside at the police, who were trying to keep between the nationalist crowd and the unionist supporters of the parade.¹ The ensuing unrest in Londonderry lasted for three days and led to many serious and violent disturbances elsewhere in Northern Ireland.² By 14th August, it was clear to senior RUC officers that the police, by now exhausted and over-stretched, were unable to restore law and order to Londonderry.³ The authorities called for the assistance of the British Army, and at 5.00pm that day, troops from 1st Battalion, The Prince of Wales's Own Regiment entered Londonderry.⁴ They were not attacked nor (apart from one accidental intrusion) did they enter the Bogside and the rioting died out.⁵

¹ Scarman Report, paras 11.4–11.8.

⁴ Scarman Report, para 12.30.

² Scarman Report, Chapters 10–18.

⁵ Scarman Report, paras 12.31–12.34.

³ Scarman Report, paras 12.25, 12.30, 19.1–19.18 and 20.1–20.8.

7.69 This disturbance became known as "the Battle of the Bogside". It amounted not only to sectarian clashes but to pitched battles between police and residents of the Bogside.¹ The latter used barricades, stones, bricks and petrol bombs, while the RUC employed

(it seems for the first time in the United Kingdom) CS gas.² Mr Justice Scarman found that some police officers threw stones back at those opposing their attempts to move into the area³ and in at least two incidents police officers fired their weapons.⁴

¹ McKittrick and McVea, *Making Sense of the Troubles*, p54.

³ Scarman Report, para 11.13.

² Scarman Report, paras 11.31–33; Ó Dochartaigh, *Civil Rights to Armalites*, p107; Colonel Michael Dewar, *The British Army in Northern Ireland*, London: Wellington House, 1997, first published 1985, pp32–33.

⁴ Scarman Report, paras 12.14–12.16, 12.23 and 11.34.

7.70 The Battle of the Bogside led to the re-emergence of “no go” areas in “Free Derry”, first seen in the Bogside earlier in the year. For a number of weeks the Army agreed not to go into these areas, which were patrolled by members of the Derry Citizens’ Defence Association.¹

¹ Ó Dochartaigh, *Civil Rights to Armalites*, p115.

7.71 The widespread and grave disturbances elsewhere in Northern Ireland in August 1969 resulted in ten deaths and hundreds of injuries as well as substantial damage to property.¹ In Belfast many families were forced to move from their homes. Mr Justice Scarman found that the Catholic community suffered a very much higher instance of displacement than did non-Catholics.²

¹ Scarman Report, paras 31.1–31.25; McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, pp30–31 and pp32–40.

² Scarman Report, para 31.25.

7.72 The tensions between the Protestant and Catholic communities, already heightened by the violent summer of 1969, were increased further by a broadcast made by the Taoiseach, Jack Lynch,¹ during the Battle of the Bogside, in which he said that the Irish Government could “*no longer stand by and see innocent people injured and perhaps worse*”.² Many on both sides of the sectarian divide interpreted these words, and the announcement that Irish Army field hospitals would be set up close to the border, as an indication that the Irish Republic was about to invade or intervene in the unrest in Northern Ireland.³

¹ Jack Lynch became Taoiseach of the Irish Republic in 1966.

³ Ó Dochartaigh, *Civil Rights to Armalites*, p108.

² Scarman Report, para 13.9.

7.73 On 19th August 1969 the United Kingdom and Northern Ireland Prime Ministers met, together with a number of their senior ministers, at 10 Downing Street, the official residence of the United Kingdom Prime Minister. At the conclusion of the meeting, the Downing Street Declaration was issued. This reaffirmed the existing position that Northern Ireland should not cease to be part of the United Kingdom without the consent of the people and Parliament of Northern Ireland. The Declaration also stated that troops

would be withdrawn when law and order had been restored. The Northern Ireland Government reaffirmed, in the context of the deployment of the troops, that it would “*take into the fullest account at all times*” the views of the United Kingdom Government. Both Governments also declared that it was vital that the momentum of internal reform in Northern Ireland should be maintained, and that every citizen was entitled to the same equality of treatment and freedom from discrimination as obtained in the rest of the United Kingdom.¹ The announcements made following this meeting regarding the relationship between the Army and the RUC are discussed elsewhere in this report.²

¹ Hennessey, *History of Northern Ireland*, pp168–169; Bew and Gillespie, *Chronology of the Troubles*, pp20–21; Faulkner, *Memoirs*, pp64–66. ² Paragraphs 193.25–56

The Scarman Inquiry

- 7.74** On 27th August 1969 the Northern Ireland Government resolved to establish a public inquiry into the violence and civil disturbances that had started with the attacks on public utilities in March 1969. Mr Justice Scarman chaired this inquiry and presented the report, to which we have already made reference, to the Northern Ireland Parliament in April 1972, just over two months after Bloody Sunday.
- 7.75** The report concluded that the riots in 1969 were not caused by any conspiracy to overthrow the Stormont Government or to mount an armed insurrection, but that teenage hooligans, “*who almost invariably threw the first stones*”, were manipulated and encouraged by persons seeking to discredit the Government:¹

“While accepting that the major riots ... were not deliberately planned, we are satisfied that, once the disturbances started, they were continued by an element that also found expression in bodies more or less loosely organised, such as the People’s Democracy, and various local Defence Associations, and in associating themselves with bodies such as NICRA and the several Action Committees. The public impact of the activities of this element was tremendously enhanced by the coverage given by the mass media of communication.”

¹ Scarman Report, para 2.2.

7.76 The Scarman Report attributed the outbreak of the riots as arising from a complex political, social and economic situation:¹

“Young men threw a few stones at some policemen or at an Orange procession: there followed a confrontation between police and stone-throwers now backed by a sympathetic crowd. On one side people saw themselves, never ‘the others’, charged by a police force which they regarded as partisan: on the other side, police and people saw a violent challenge to the authority of the State. These attitudes were the creature of recent events. Their own interpretations of the events of 1968 and early 1969 had encouraged the belief amongst the minority that demonstrations did secure concessions, and that the police were their enemy and the main obstacle to a continuing programme of demonstrations, while the same events had convinced a large number of Protestants that a determined attempt, already gaining a measure of success, was being made to undermine the constitutional position of Northern Ireland within the United Kingdom. In so tense a situation it needed very little to set going a major disturbance.”

¹ Scarman Report, para 2.4.

7.77 The Scarman Report concluded that the IRA neither planned nor started the riots, though the Derry Citizens’ Defence Association (which the report found undoubtedly contained some members of the IRA) made elaborate arrangements to keep the police out of the Bogside, if necessary by violence, in the event of disturbances erupting on the streets.¹ The report laid heavy, albeit indirect, responsibility on NICRA for what was described as the “*horrors*” that occurred in Belfast on 14th August 1969 by its underestimation of the strength of militant unionism, which had led NICRA to organise demonstrations elsewhere in the Province so as to prevent reinforcement of the police in Londonderry.²

¹ Scarman Report, paras 2.6–2.7.

² Scarman Report, para 2.8.

7.78 As to the RUC, the Scarman Report rejected the claim that it had acted as a partisan force co-operating with Protestant mobs to attack Catholic people.¹ However, as the report stated:²

“[I]t is painfully clear from the evidence adduced before us that by July the Catholic minority no longer believed that the RUC was impartial and that Catholic and civil rights activists were publicly asserting this loss of confidence. Understandably these resentments affected the thinking and feeling of the young and the irresponsible, and induced the jeering and throwing of stones which were the small beginnings of most of the disturbances. The effect of this hostility on the RUC themselves was unfortunate. They came to treat as their enemies, and accordingly also as the enemies of the public peace, those who persisted in displaying hostility and distrust towards them.

Thus there developed the fateful split between the Catholic community and the police. Faced with the distrust of a substantial proportion of the whole population and short of numbers, the RUC had (as some senior officers appreciated) lost the capacity to control a major riot. Their difficulties naturally led them, when the emergency arose, to have recourse to methods such as baton-charges, CS gas and gunfire, which were sure ultimately to stoke even higher the fires of resentment and hatred.”

¹ Scarman Report, para 3.2.

² Scarman Report, paras 3.5–3.6.

7.79 The report did, however, identify six occasions when the police were, by act or omission, seriously at fault.¹ So far as Londonderry is concerned, the report contained the following criticism:²

“The lack of firm direction in handling the disturbances in Londonderry during the early evening of 12 August. The ‘Rossville Street incursion’ was undertaken as a tactical move by the Reserve Force commander without an understanding of the effect it would have on Bogside attitudes. The County Inspector did understand, but did not prevent it. The incursion was seen by the Bogsiders as a repetition of events in January and April and led many, including moderate men such as Father Mulvey, to think that the police must be resisted.”

¹ Scarman Report, para 3.7.

² Scarman Report, para 3.7(1).

7.80 The criticised conduct was, according to the report, very largely due to the mistaken belief held at the time by many of the police, including senior officers, that they were dealing with an armed uprising engineered by the IRA.¹

¹ Scarman Report, para 3.8.

The Hunt Committee and its recommendations

7.81 A committee under Lord Hunt was appointed in August 1969 to examine the “*recruitment, organisation, structure and composition*” of the RUC and the Ulster Special Constabulary (the B Specials). It reported in early October, recommending among other reforms the abolition of the B Specials and their replacement by an unarmed RUC reserve and a part-time force under the control of the General Officer Commanding Northern Ireland (a British Army officer) – the latter force was to become the Ulster Defence Regiment.

Lord Hunt also proposed that the RUC be relieved of all duties of a military nature, and the setting up of a Police Authority whose membership should reflect the proportions of different groups within the community.¹

¹ Hunt Committee, *Report of the Advisory Committee on Police in Northern Ireland*, Cmnd 535, HMSO: Belfast, 1969.

7.82 The Hunt Report was greeted with dismay and anger by many unionists and following its publication loyalists rioted in Belfast. During the unrest a member of the RUC, Victor Arbuckle, and two civilians, George Dickie and Herbert Hawe, were fatally shot; Constable Arbuckle was the first police officer to be killed in what have become known as “the Troubles”.¹

¹ According to *Lost Lives*, Victor Arbuckle was shot by the Ulster Volunteer Force, George Dickie “apparently by the Army”, and Herbert Hawe “by soldiers in disputed circumstances”. McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, pp42–43.

7.83 The report was, however, generally greeted favourably by Catholics in Londonderry.¹ The early autumn had already seen the removal of barricades in “Free Derry” and the Army (using military police accompanied at first by regular soldiers, but days later by unarmed RUC officers) began without opposition to patrol the no-go areas set up after the Battle of the Bogside.²

¹ Ó Dochartaigh, *Civil Rights to Armalites*, p124.

² Ó Dochartaigh, *Civil Rights to Armalites*, pp118–123.

7.84 However, in September 1969 there was a sectarian riot in the centre of the city, in the course of which 49-year-old William King was beaten and died of a heart attack. William King was the first Londonderry Protestant to die in the growing unrest and his death brought to a head unionist resentment over what they regarded as the failure of the Army to deal firmly at the outset with the no-go areas and nationalist unrest.¹

¹ Ó Dochartaigh, *Civil Rights to Armalites*, p136; McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, p42; McCann, *War and an Irish Town*, p65.

7.85 This riot, and the fact that Catholic youths had taken to “casually stoning” the RUC, led the Army to establish what it described as a “peace ring” around the Bogside and Creggan areas of the city.¹ This involved the erection of Army barriers, checkpoints on almost all the roads into these areas, and severe restrictions on the movement of people and vehicles, particularly into the city centre. At first tolerated as aiding the prevention of renewed violence, the peace ring became a cause of resentment, particularly among young Catholics, though this resentment soon spread to other parts of the community.²

¹ Ó Dochartaigh, *Civil Rights to Armalites*, p136.

² Ó Dochartaigh, *Civil Rights to Armalites*, pp137–138.

The split in the IRA and Sinn Féin

7.86 Tensions between members of the IRA led to a split in that organisation at the end of 1969, from which the Provisional IRA and Official IRA emerged.¹ The causes of the split are complex and beyond the scope of this report. We discuss elsewhere in this report² the structure and organisation of the Provisional and Official IRA in Londonderry, and the activities of members of these organisations, at the time of Bloody Sunday.

¹ Ed Moloney, *A Secret History of the IRA*, London: Allen Lane, 2002, pp54–84; Richard English, *Armed Struggle: A History of the IRA*, London: Macmillan, 2003, pp81–108.

² [Chapters 146–154](#)

7.87 The political party Sinn Féin also split into Provisional and Official organisations in January 1970. Again the reasons for the split are complex and beyond the scope of this report.

Violence and unrest in Londonderry and Belfast during 1970

7.88 There was initially a good relationship between the Army and many of the Catholic community in Londonderry, though this did not last long. To staunch republicans and some left wing radicals the presence of British troops in the city and their welcome by Catholics as their protectors was anathema.¹

¹ Ó Dochartaigh, *Civil Rights to Armalites*, pp134–136; McCann, *War and an Irish Town*, p64.

7.89 The Army had started a “hearts and minds” campaign in late 1969 but at the beginning of 1970 there were clashes with troops and further rioting.¹ In the months up to Easter 1970 there were more frequent clashes between the troops and Catholic youths.² Although this was followed by a period of relative calm, in June 1970 there was a three-day riot triggered by the arrest of Bernadette Devlin, the radical activist and Westminster MP, for her involvement in the Battle of the Bogside.³ In the course of this riot, the Army (as opposed to the RUC) used CS gas for the first time in Londonderry.⁴ The arrest of Bernadette Devlin brought to a head the growing resentment of many in the nationalist community in Londonderry at perceived miscarriages of justice in cases where Catholic youths were imprisoned for rioting as the result of contentious evidence given by soldiers.⁵

¹ Ó Dochartaigh, *Civil Rights to Armalites*, pp142–146.

² Ó Dochartaigh, *Civil Rights to Armalites*, pp145–150.

³ Ó Dochartaigh, *Civil Rights to Armalites*, pp180–184.

⁴ Ó Dochartaigh, *Civil Rights to Armalites*, p184.

⁵ Ó Dochartaigh, *Civil Rights to Armalites*, pp181–184 and 188–189; McCann, *War and an Irish Town*, pp81–82.

7.90 On 1st July 1970 the Criminal Justice (Temporary Provisions) Act (Northern Ireland) 1970 imposed a minimum sentence of six months' imprisonment for the offence of riotous behaviour. This further alienated Catholic opinion in Londonderry.¹

¹ Ó Dochartaigh, *Civil Rights to Armalites*, pp188–189; McCann, *War and an Irish Town*, p81.

7.91 Despite this measure, and the announcement of a six-month ban on processions in July 1970, which had the effect of prohibiting the annual Apprentice Boys' Parade, unrest continued in Londonderry. There was heavy rioting in August following the contentious shooting of a Catholic teenager, Daniel O'Hagan, in Belfast,¹ and then further rioting from October.² This period also saw, in August 1970, the first shots fired at soldiers in Londonderry (in two isolated incidents that were not repeated until the following spring), and in September the first bomb attack in the city; by Christmas there had been six others.³

¹ McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, pp55–56; Ó Dochartaigh, *Civil Rights to Armalites*, p202.

³ Ó Dochartaigh, *Civil Rights to Armalites*, pp205–206.

² Ó Dochartaigh, *Civil Rights to Armalites*, pp201–206, 212–214 and 218.

7.92 Although this part of the report is principally concerned with events in Londonderry it should be noted that in the summer of 1970 republican paramilitaries became active in the use of deadly violence in Belfast.¹ During rioting there on the weekend of 27–28th June 1970, republican paramilitaries shot and killed five men they claimed had attacked Catholic areas, two of them in an incident centred on St Matthew's Roman Catholic Church in the Short Strand area of East Belfast that became celebrated in republican circles as a demonstration of armed republicans resuming their role as defender of their community. In addition, one Catholic man was fatally wounded and another seriously wounded in the St Matthew's Church incident. During the same weekend, a Protestant was fatally wounded by a missile thrown during rioting in the Crumlin Road area.²

¹ We often use the phrase "republican paramilitaries" here and throughout this report in order to denote incidents in which it is either not clear or not relevant whether the Official or Provisional IRA were involved, though it should be noted that where we are referring to or summarising the evidence of witnesses who have themselves referred simply to "the IRA" we generally use their description.

² McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, pp49–52; McKittrick and McVea, *Making Sense of the Troubles*, p61; Moloney, *Secret History of the IRA*, pp89–90; English, *Armed Struggle*, p135.

7.93 In July 1970 the British Army imposed a curfew and house-to-house searches in the Lower Falls district of Belfast. During the curfew there were gun battles between the soldiers and members of both the Provisional and the Official IRA. The search uncovered 100 firearms as well as bombs, explosives and ammunition, but involved rigorous searches of housing and businesses and considerable damage to property. Four civilians were killed, one crushed by an Army vehicle. Later in July a soldier shot dead a Catholic teenager in north Belfast in disputed circumstances. These events served to increase and intensify the hostility felt by many in the Catholic population in Belfast towards the Army.¹

¹ McKittrick and McVea, *Making Sense of the Troubles*, pp61–62; Hennessey, *History of Northern Ireland*, pp174–175; McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, pp52–55; Moloney, *Secret History of the IRA*, pp90–91; English, *Armed Struggle*, pp135–136; Dewar, *British Army in Northern Ireland*, p47; Ó Dochartaigh, *Civil Rights to Armalites*, pp187–188.

7.94 On 12th August two RUC officers, Samuel Donaldson and Robert Millar, were mortally injured in South Armagh by a booby-trap bomb hidden in a stolen car. The two constables were the first two members of the RUC to be killed by republicans in the unrest.¹

¹ McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, pp56–57.

Changes in the political situation in 1970

7.95 In June 1970 the Conservatives won the United Kingdom general election and Edward Heath succeeded Harold Wilson as Prime Minister. Reginald Maudling replaced James Callaghan at the Home Office, then the department responsible for Northern Ireland affairs. Both men were to remain in these posts throughout the period considered in this report.

7.96 1970 also saw the establishment of a new political party, the Social Democratic and Labour Party (SDLP). The SDLP quickly emerged as the principal voice of constitutional nationalism in Northern Ireland, eclipsing the old Nationalist Party. Prominent SDLP politicians included Gerry Fitt, the party's first leader, John Hume, Austin Currie and Ivan Cooper.¹

¹ Elliott and Flackes, *Political Directory*, p446.

Events during the first six months of 1971

- 7.97 The security situation in Northern Ireland continued to deteriorate in the early months of 1971 and violence increased in Londonderry, while social, political and generational tensions grew within the Catholic community. These were examined by the historian Niall Ó Dochartaigh in his book, *From Civil Rights to Armalites: Derry and the Birth of the Irish Troubles*, an extract from which we reproduce here:¹

“The political changes in Derry since 1968 had had major social effects on local youths. The experience of rioting and of constant conflict had created a ‘hero’ mentality among young males, a desire to prove themselves through confrontation with the army and the RUC. It has also, in weakening the authority of the police and the state, weakened all other forms of authority. In other arenas of even greater civil disorder it has been noted that the concept of authority itself loses much of its meaning when state authority begins to be perceived as a hostile force. In Derry, this was reflected among the young by the fact that local youth groups found them more difficult to work with, less inclined to accept the authority of adults and more connected to militant groups which were willing to work with the young and give them a measure of authority. In Derry, it was the Provisionals and the Official Republicans who were most welcoming to the radicalised youth. In Derry, the rioters were regarded by the army, and by many conservative Catholics, as ‘hooligans’, that is, they were not seen to be politically motivated, but simply to have lost respect for authority, for ‘law and order’, and their actions were seen as ‘criminal’ rather than ‘political’.

The fact is that rioting was both political and criminal; it was part of a process of politicisation and also part of the rejection of law and order in general by many youths. For, at the same time as many of these youths were becoming involved with the Labour party, and the Official or Provisional Republicans, and youth participation in militant politics in Derry was increasing rapidly, the rate of ordinary crime and vandalism in the city was also soaring. Derry as a city, prior to 1968, had had a famously low rate of crime, commented upon by judges, clergy, politicians and visiting academics. In the course of 1970 there were increasingly frequent break-ins and burglaries and an increase in vandalism which reached epidemic proportions. This rapid increase in crime and vandalism was seen by many conservative Catholics as linked with the rioting and civil disorder in the city...

[E]ven in early 1971, there were important sections of the Catholic community who had effectively accepted the limited reform package [of the Unionist Government], who were willing to work with the RUC and still accepted the army as an essentially benevolent presence. They were organising within the community against crime but also against political forces which they saw as promoting destabilisation of society and the state ... In a very real sense, they were committed to accepting the authority of the state. The reason they did not make more of an impact has a great deal to do with the decline of the authority of both church and state and with the fact that many people, young and old, including sections of the Nationalist party and the SDLP, were beginning to view the army as an aggressive force, not deserving of support.”

¹ Ó Dochartaigh, *Civil Rights to Armalites*, pp213–214.

7.98 Minor disturbances took place on a weekly basis in Londonderry throughout the first six months of 1971, with larger-scale rioting also occurring intermittently.¹ Contemporary Army documents reported “*vicious rioting by about 50 young hooligans*” over the Easter weekend, followed by a period of relatively minor and isolated incidents of stone-throwing and petrol-bombing, before the level of street violence again increased towards the end of June.²

¹ Ó Dochartaigh, *Civil Rights to Armalites*, p209.

² [G1.1-1.2](#) 8th Infantry Brigade Op Directive No 3/71, 2nd July 1971; [G1AC.19.1.13](#) Joint Intelligence Committee (JIC) Special Assessment, 24th June 1971.

7.99 On the night of 6th February 1971 in Belfast, republican paramilitaries killed the first serving soldier, Gunner Robert Curtis, and the Army shot and killed the first member of either the Provisional or Official IRA, James Saunders, a Provisional volunteer, since the beginning of the unrest. A civilian was also killed on the same night, and another soldier was fatally wounded.¹ Later the same month, five civilians were killed in County Tyrone by an IRA bomb apparently intended for soldiers, and two policemen were shot and killed in North Belfast.² In March, a Catholic man was shot dead by the Army in disputed circumstances in West Belfast,³ a Provisional IRA volunteer was killed apparently by Official IRA gunmen,⁴ and three off-duty Scottish soldiers, two of them teenage brothers, were shot dead by republican paramilitaries on a mountain road overlooking Belfast.⁵

¹ McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, pp52–65 and 67; McKittrick and McVea, *Making Sense of the Troubles*, p64; English, *Armed Struggle*, p137; Tírghrá Commemoration Committee, *Tírghrá: Ireland's Patriot Dead*, Dublin: Republican Publications, 2002, p11.

² McKittrick, Kelters, Feeney and Thornton, *Lost Lives* pp66–68; McKittrick and McVea, *Making Sense of the Troubles*, p64.

³ McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, p69.

⁴ McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, pp69–70; Tírghrá Commemoration Committee, *Tírghrá*, p12.

⁵ McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, pp70–72; McKittrick and McVea, *Making Sense of the Troubles*, pp64–65; Moloney, *Secret History of the IRA*, p97, English, *Armed Struggle*, pp137–138.

7.100 In Londonderry, Lance Corporal William Jolliffe was killed on 1st March 1971. He had been travelling in a Land Rover that crashed after being hit by petrol bombs while on patrol in the Bogside, and he died as a result of inhaling a high concentration of chemicals from fire extinguishers that were used to put out the resulting fire. Two other soldiers were dragged from the vehicle by local residents and taken to a house, where they were cared for until an ambulance arrived. Lance Corporal Jolliffe was the first soldier to be killed in Londonderry in the Troubles. The incident that led to the death of Lance Corporal Jolliffe was condemned by, among others, John Hume and the Catholic Bishop of Derry.¹

¹ McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, pp68–69; Ó Dochartaigh, *Civil Rights to Armalites*, p219.

7.101 On 20th March 1971 Major Chichester-Clark resigned after Westminster had rejected his wide-ranging request for tougher security measures, offering only an extra 1,300 troops. Brian Faulkner succeeded him as Prime Minister of Northern Ireland after defeating William Craig in an election for leadership of the Unionist Party.¹ The new Prime Minister brought into his government both liberal and hard-line unionists, as well as David Bleakley, a former Northern Ireland Labour Party chairman and MP, who became the first non-unionist minister to serve in a Stormont government.²

¹ McKittrick and McVea, *Making Sense of the Troubles*, p65; Bew and Gillespie, *Chronology of the Troubles*, p34; Hennessey, *History of Northern Ireland*, p189.

² Elliott and Flackes, *Political Directory*, p183; Faulkner, *Memoirs*, p84; McKittrick and McVea, *Making Sense of the Troubles*, p66; Bew and Gillespie, *Chronology of the Troubles*, p34.

7.102 In June, Brian Faulkner proposed the setting up of new committees, to sit alongside the existing Public Accounts Committee, overseeing social services, the environment and industry, with opposition members chairing two of them.¹ This proposal was greeted favourably, albeit cautiously, by the SDLP.²

¹ Faulkner, *Memoirs*, pp103–104; Hennessey, *History of Northern Ireland*, pp190–192; McKittrick and McVea, *Making Sense of the Troubles*, p66; Bew and Gillespie, *Chronology of the Troubles*, p34.

² [G2AA.23.1.2](#) Minutes of the Ministerial Committee on Northern Ireland, 6th July 1971; Faulkner, *Memoirs*, pp103–104; Hennessey, *History of Northern Ireland*, p192; Ó Dochartaigh, *Civil Rights to Armalites*, p230.

7.103 Brian Faulkner, like Major Chichester-Clark before him, pressed the United Kingdom Government and the Army for a tougher military response to the unrest. After a bomb attack on a Belfast police station that killed a soldier seeking to shield people from the blast, he announced in Stormont in May 1971 that “*any soldier seeing any person with a weapon or seeing any person acting suspiciously may fire either to warn or may fire with effect, depending on the circumstances and without waiting for orders from anyone*”.¹

¹ [G1AAC.19.1.1.12](#) Minutes of the Defence and Overseas Policy Committee, 26th May 1971; McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, p74; Bew and Gillespie, *Chronology of the Troubles*, p35; Faulkner, *Memoirs*, pp100–101; Hennessey, *History of Northern Ireland*, p192; McKittrick and McVea, *Making Sense of the Troubles*, p66.

7.104 Ministers in the United Kingdom Government were alarmed and dismayed by this comment. In a meeting of the (United Kingdom) Defence and Oversea Policy Committee on 26th May 1971, the Minister of State for Defence, Lord Balniel, said that: “*This statement was inaccurate. Soldiers were not free to open fire unless they had reason to believe that a weapon was about to be used for offensive purposes and that life was in danger. Moreover, shots were not authorised to be fired as a warning.*” It was agreed at the meeting that, in order to avoid the impression that there was any divergence of opinion between the United Kingdom Government and Brian Faulkner, arrangements should be made for the latter to “*issue a very early statement correcting the comment ... and making it clear that the rules governing the use of firearms by troops were as had been stated in the Committee’s discussion*”.¹

¹ [G1AAC.19.1.1.12](#) Minutes of the Defence and Oversea Policy Committee, 26th May 1971.

7.105 Brian Faulkner’s announcement was regarded by many on the nationalist side as seeking to justify in advance shooting by soldiers in contentious circumstances.¹

¹ Hennessey, *History of Northern Ireland*, p192.

7.106 Those contentious circumstances soon arrived.

The shooting of Seamus Cusack and Desmond Beattie

7.107 As already noted, in Londonderry by June 1971 there was increasing street violence, but nothing on the scale of the unrest and paramilitary activity in Belfast. However on 4th July 1971 there was gunfire in the city (the first for some months) directed at Army posts.¹ In the days following there was rioting and further gunfire was directed at soldiers² and though contemporary security reports considered that this did not amount to evidence of a planned campaign by the Provisional IRA,³ this view later changed.⁴

¹ Ó Dochartaigh, *Civil Rights to Armalites*, pp202–204 and p232; [G2A.23.1-6](#) 8th Infantry Brigade Intelligence Summary No 74, 7th July 1971; [G27.196](#) 8th Infantry Brigade Op Directive No 4/71, 10th November 1971.

² Ó Dochartaigh, *Civil Rights to Armalites*, p232; [G2A.23.1-6](#) 8th Infantry Brigade Intelligence Summary No 74, 7th July 1971; [G27.196](#) 8th Infantry Brigade Op Directive No 4/71, 10th November 1971.

³ [G2A.23.6](#) 8th Infantry Brigade Intelligence Summary No 74, 7th July 1971.

⁴ [G2C.23.12](#) HQNI Intelligence Summary No 28/71, 15th July 1971; [G3B.48.9-10](#) 8th Infantry Brigade Intelligence Summary No 75, 7th July 1971; [G27.196](#) 8th Infantry Brigade Op Directive No 4/71, 10th November 1971.

7.108 In the early hours of 8th July 1971 a soldier shot a Catholic man, Seamus Cusack, in the thigh. Seamus Cusack was taken across the border to Letterkenny Hospital in Donegal, because it was feared that he would be arrested for riotous behaviour if taken to Altnagelvin Hospital in Londonderry. He died of loss of blood shortly after arrival.¹

¹ Gifford Report, *Report of the Inquiry into the Circumstances Surrounding the Deaths of Seamus Cusack and George Desmond Beattie*, London: Northern Ireland Socialist Research Centre, 1971, pp10–20; Ó Dochartaigh, *Civil Rights to Armalites*, p232.

7.109 Later that day there was further rioting that, at least in part, was in response to the shooting of Seamus Cusack.¹ Bombs were thrown at Army vehicles, and in the resulting explosions four soldiers were injured. A few seconds later another Catholic man, Desmond Beattie, was shot and killed by a soldier.²

¹ [G3B.48.3](#) 8th Infantry Brigade Intelligence Summary No 75, 17th July 1971; Gifford Report, pp28–30.

² [G3B.48.2-3](#) 8th Infantry Brigade Intelligence Summary No 75, 17th July 1971; Gifford Report, pp28–30; Ó Dochartaigh, *Civil Rights to Armalites*, pp232–233; Hennessey, *History of Northern Ireland*, p192; McKittrick and McVea, *Making Sense of the Troubles*, p66.

7.110 The Army claimed that Seamus Cusack had been aiming a rifle and Desmond Beattie had been about to throw a nail bomb.¹ Local people vehemently denied this and insisted that both men were unarmed.² An unofficial inquiry chaired by Lord Gifford, in which the Army did not participate, concluded that both men had been unarmed when shot.³ In a subsequent civil case Mr Justice Gibson held that Seamus Cusack was probably not armed, but had been taking part in a violent riot and was equally to blame for what happened.⁴

¹ [G3B.48.2-3](#) 8th Infantry Brigade Intelligence Summary No 75, 17 July 1971; Ó Dochartaigh, *Civil Rights to Armalites*, pp232–233.

³ Gifford Report, pp21–22 and p40.

⁴ McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, p76.

² Gifford Report, pp20–22 and pp32–34.

7.111 These two deaths, the first in Londonderry resulting from Army gunfire since the soldiers had arrived on the streets in 1969, and what the local nationalist population regarded as a cover-up by the Army and the United Kingdom Government of illegal shooting of innocent men, destroyed much of what remained of the goodwill felt by this community towards the Army.¹ More riots followed and local people in the Bogside and the Creggan erected barricades.² Large crowds attacked the Army and police post at Bligh's Lane in the Creggan area of the city for several days, with some setting fire to buildings in the complex.³ There were also several shooting incidents.⁴

¹ [E6.0043](#) Professor Arthur's report to this Inquiry; [G3B.48.13](#) 8th Infantry Brigade Intelligence Summary No 75, 17th July 1971; [G27.197](#) 8th Infantry Brigade Op Directive No 4/71, 10th November 1971.

³ [G3B.48.2-13](#) 8th Infantry Brigade Intelligence Summary No 75, 17th July 1971.

⁴ [G3B.48.2-13](#) 8th Infantry Brigade Intelligence Summary No 75, 17th July 1971.

² [G3B.48.2-13](#) 8th Infantry Brigade Intelligence Summary No 75, 17th July 1971.

7.112 The SDLP, under pressure from the nationalist community, threatened to withdraw from the Stormont Parliament unless the Government set up an independent inquiry into the deaths of Seamus Cusack and Desmond Beattie. No inquiry was forthcoming and the SDLP left Stormont on 16th July 1971, so in effect ending Brian Faulkner's attempt to involve the elected representatives of the minority community in the governance of Northern Ireland through the proposed new government committees.¹

¹ E6.0043-44 Professor Arthur's report to this Inquiry; G3A.48.1 Extract from Home Office Memorandum, "Northern Ireland: Political Summary for the Period 16th–22nd July 1971", 23rd July 1971; Ó Dochartaigh, *Civil Rights to Armalites*, p235; Hennessey, *History of Northern Ireland*, pp192–193; Routledge, *John Hume*, pp101–103; Bew and Gillespie, *Chronology of the Troubles*, pp35–36; McCann, *War and an Irish Town*, pp90–91.

7.113 On 24th July 1971 a nine-year-old boy was accidentally killed in the Bogside when an Army truck struck him. There followed a further week of fierce rioting, during the course of which buildings were burned and there were incidents of shooting and bombing.¹

¹ Ó Dochartaigh, *Civil Rights to Armalites*, p234; G3CA.48.14.2 Special Assessment approved by the Joint Intelligence Committee, 29th July 1971.

7.114 The increased level of violence, and particularly fatal violence, in Northern Ireland in the period to the end of July 1971 is shown starkly by the figures in the book *Lost Lives*. In 1969, 18 people were killed in incidents related to the Troubles;¹ in 1970 there were 28 deaths.² In the first seven months of 1971, 31 people were killed.^{3,4}

¹ McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, pp32–45.

² McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, pp48–59.

³ McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, pp62–79.

⁴ These figures are taken from the individual accounts of these deaths given in McKittrick, Kelters, Feeney and Thornton, *Lost Lives*. However, it should be noted that elsewhere in the book, the authors cite different figures – 19 for 1969 (p31, p1494), 29 for 1970 (p47, p1494). We consider *Lost Lives* to be the most authoritative source for such information, although any assessment of which deaths resulted from violence in the Troubles is to some degree subjective.

Chapter 8: The period from August to December 1971

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- 8.1 The increase in violence led to discussions between the United Kingdom and Northern Ireland Governments regarding the possibility of introducing internment without trial. Before examining the debate and the decision that followed, it is necessary to set out the political and security structures then in place in Westminster and Stormont.

Government and security structures

- 8.2 The governance of Northern Ireland rested in the first instance with the Northern Ireland Government and the Parliament at Stormont to which it was responsible. However, as these bodies were created by the Parliament at Westminster, many, including Edward Heath in his written evidence to this Inquiry, felt that the United Kingdom Government (formally known as Her Majesty's Government, or "HMG") "*recognised a responsibility to all the citizens of Northern Ireland*".¹ As we consider later in this part of the report, London's interest in, and influence on, the affairs of Northern Ireland increased significantly following the deployment of the Army in August 1969.

¹ KH4.2

- 8.3 The highest decision-making body within the United Kingdom Government was the Cabinet. Although matters concerning Northern Ireland were discussed at meetings of the full Cabinet, the most significant forum for discussion and decision in the weeks and months preceding Bloody Sunday was the Cabinet Committee on Northern Ireland, known as the GEN 47 Committee, or just GEN 47. Like all such Cabinet committees, GEN 47 had delegated authority to take decisions on behalf of the Cabinet, and these decisions engaged the collective responsibility of the Government. At the time relevant to this report, the GEN 47 Committee comprised:

- Prime Minister: Rt Hon Edward Heath MP (chairman);
- Secretary of State for the Home Department: Rt Hon Reginald Maudling MP;
- Secretary of State for Foreign and Commonwealth Affairs: Rt Hon Sir Alec Douglas-Home MP;
- Chancellor of the Exchequer: Rt Hon Anthony Barber MP;
- Lord President of the Council: Rt Hon William Whitelaw MP; and
- Secretary of State for Defence: Rt Hon Lord Carrington.

8.4 The following senior officer and civil servants also attended meetings regularly:

- Chief of the General Staff (CGS): General Sir Michael Carver;
- Permanent Under Secretary of State, Foreign & Commonwealth Office: Sir Stewart Crawford;
- Permanent Under Secretary of State, the Home Department: Sir Philip Allen; and
- Permanent Under Secretary of State, the Ministry of Defence (MoD): Sir James Dunnett.

8.5 Other senior officials, such as Philip Woodfield, Arthur Hockaday and Donald Maitland, whose positions are explained below, were present at some meetings, often in place of their departmental permanent under secretaries.¹ The General Officer Commanding (GOC) Northern Ireland, Lieutenant General Sir Harry Tuzo, and the United Kingdom Government Representative in Northern Ireland, Howard Smith, might also attend when in London. Sir Burke Trend, the Secretary to the Cabinet, and other civil servants provided the secretariat.

¹ The Permanent Under Secretary is the most senior civil servant in a government department.

8.6 In addition to GEN 47, various other inter-departmental committees concerned themselves in whole or in part with the affairs of Northern Ireland. These included the Ministerial Committee on Northern Ireland (which pre-dated GEN 47 and generally comprised the same ministers and departments); the Defence and Oversea Policy Committee (which again involved many of the same senior ministers, but had a wider brief than the Northern Ireland committees); the Joint Intelligence Committee (which briefed ministers on intelligence matters relating to Northern Ireland); and the Official Committee on Northern Ireland, which was made up of senior civil servants and some military personnel, who met on a regular basis before GEN 47 meetings in order to discuss the issues that were likely to arise.

8.7 The Cabinet Secretary throughout the period that directly concerns this Inquiry was Sir Burke Trend. The Prime Minister's Principal Private Secretary was Robert Armstrong, and his Chief Press Secretary was Donald Maitland. In January 1972, Arthur Hockaday moved from the MoD to the Cabinet Office to become Deputy Head of the Defence and Oversea Division of the Cabinet Secretariat, where his main responsibilities were defence and Northern Ireland.

8.8 Departmental responsibility for Northern Ireland lay at this time with the Home Office, where the Secretary of State was Reginald Maudling. Sir Philip Allen was the Permanent Under Secretary, and he also chaired the Official Committee on Northern Ireland. Philip Woodfield was the Assistant Permanent Under Secretary whose responsibilities included Northern Ireland.

8.9 Following the deployment of the Army to Northern Ireland in August 1969, two senior Westminster civil servants were stationed with the Northern Ireland Government in order to “*represent the increased concern which the United Kingdom Government had necessarily acquired in Northern Ireland affairs through the commitment of the Armed Forces in the present conditions*”.¹ One of the posts created was that of the United Kingdom Representative. Between April 1971 and March 1973, the post was held by Howard Smith, who succeeded Oliver Wright and Ronald Burroughs. The United Kingdom Representative usually reported to the Home Secretary, but on occasions he would also attend inter-departmental ministerial committee meetings. At the time of Bloody Sunday, Howard Smith’s deputy was Frank Steele.

¹ [GO.11](#) Communiqué accompanying the Downing Street Declaration, 19th August 1969.

8.10 The Secretary of State for Foreign and Commonwealth Affairs was Sir Alec Douglas-Home. The most significant officials within his department in relation to the events discussed in this report were the Permanent Under Secretary, Sir Stewart Crawford, and the Head of the Republic of Ireland Department, Kelvin White. Sir John Peck was Her Majesty’s Ambassador to Ireland from April 1970 until February 1973.

8.11 The Armed Forces deployed in Northern Ireland remained under the authority of the MoD in London. This was a matter of great significance to the constitutional and political balance between the governments in Westminster and Stormont. The Secretary of State for Defence, Lord Carrington, was assisted by a number of junior ministers, including the Minister of State for Defence, Lord Balniel, who had responsibility for all three Armed Forces, and the Parliamentary Under Secretary of State for the Army, Geoffrey Johnson-Smith MP. The Permanent Under Secretary at the MoD was Sir James Dunnett. Of the civil servants within the department, the most significant to this Inquiry include: Arthur Hockaday, the Assistant Under Secretary (General Staff) (AUS (GS)) until early January 1972 when he moved to the Cabinet Secretariat; his replacement as AUS (GS), Derek Stephen; and Anthony Stephens, the Head of Defence Secretariat 10 (DS10). The AUS (GS) was the civil service representative on the Chief of the General Staff’s management team, whose other members were senior Army personnel. Under the AUS (GS) were three divisions, DS6, DS7 and DS10, the last being a relatively new body

established to deal exclusively with Northern Ireland. DS10 was intended to provide policy advice to ministers and military staff within the MoD, and to liaise with the Home Office and Foreign & Commonwealth Office.

- 8.12** The professional head of the Armed Forces at the time of Bloody Sunday was the Chief of the Defence Staff, Admiral of the Fleet Sir Peter Hill-Norton. The Chief of the General Staff (CGS), General Sir Michael Carver, was the professional head of the Army, and he sat with Admiral Hill-Norton, the Vice Chief of the Defence Staff, the First Sea Lord (Chief of the Naval Staff) and the Chief of the Air Staff on the Chiefs of Staff Committee. Under General Carver were the structures of the Army's General Staff, which worked with civilian civil servants in the MoD in the formulation, co-ordination and implementation of policy and operations. Lieutenant Colonel David Ramsbotham served as General Carver's Military Assistant at this time. The Director of Military Operations, who was responsible to the CGS, was Major General Ronald Coaker. Colonel Henry Dalzell-Payne served under him as the Head of Military Operations Branch 4 (MO4), which was the section of the General Staff responsible for Northern Ireland. In this role he worked closely with Arthur Hockaday and Anthony Stephens.
- 8.13** The MoD's Northern Ireland Policy Group (NIPG) brought together the relevant politicians, civil servants and military staff and constituted the department's principal internal forum for discussion on issues relating to Northern Ireland. Relevant discussions also took place among officials at the Permanent Under Secretary's morning meetings.
- 8.14** The Parliament and Government of Northern Ireland were governed by a similar combination of constitutional relationships and conventions as their counterparts in London. Brian Faulkner, who was Prime Minister of Northern Ireland from March 1971, chaired the Cabinet, whose Secretary at the time directly relevant to this report was Sir Harold Black. His deputy was Kenneth Bloomfield. The Prime Minister's Principal Private Secretary was Robert Ramsay, and his most senior press officers were David Gilliland (Chief Press Officer) and Jack McNally.
- 8.15** Until the introduction of direct rule by Westminster in March 1972, the Stormont Government retained responsibility for the internal security of Northern Ireland, and it was the gravity of this issue that led Brian Faulkner to serve as minister for the responsible department, Home Affairs, as well as prime minister. He was assisted in his departmental duties by the Minister of State, John Taylor (later Lord Kilclooney), who also attended the Northern Ireland Cabinet, and after October 1971 by the Londonderry city MP,

Commander Albert Anderson, who was the Senior Parliamentary Secretary. William Stout (a civil servant) was appointed by Brian Faulkner as the Government Security Adviser and head of the Government Security Unit.

8.16 The Prime Minister of Northern Ireland chaired the Joint Security Committee (JSC), which in the months before Bloody Sunday comprised:

- Prime Minister of Northern Ireland: Rt Hon Brian Faulkner MP;
- Minister of State at the Ministry of Home Affairs: Rt Hon John Taylor MP;
- Senior Parliamentary Secretary at the Ministry of Home Affairs: Commander Albert Anderson MP;
- General Officer Commanding Northern Ireland (Army): Lieutenant General Sir Harry Tuzo;
- Chief Constable of the Royal Ulster Constabulary (RUC): Sir Graham Shillington;
- Secretary to the Northern Ireland Cabinet: Sir Harold Black;
- Government Security Adviser: William Stout; and
- United Kingdom Government Representative: Howard Smith.

8.17 Other prominent figures, such as the Commander Land Forces (CLF) Northern Ireland, received the minutes of the meeting, and attended from time to time. John Taylor would chair the meetings in the Prime Minister's absence. The secretary to the committee was Thomas Cromey, a civil servant.

8.18 The JSC had a somewhat ill-defined function, and witnesses to this Inquiry have given differing accounts of its precise role. To some in London it was the body that was responsible for taking executive decisions on security matters within Northern Ireland.¹ However, the evidence to this Inquiry of many of those who prepared or participated in the meetings suggests that the committee did not so much make decisions as approve them. The JSC provided a forum for discussion, debate and the exchange of information between politicians, officials and the security forces and as such it played an important role in the governance of Northern Ireland. However, on significant operational matters the committee seems to have accepted recommendations that had emerged from earlier meetings between the GOC, the Chief Constable and the Prime Minister. In effect, JSC

ratification was the last stage in the security policy process, but as such it was often the only part seen by those, such as politicians and civil servants in London, who had not been directly involved.²

¹ [KC8.7](#) Statement to this Inquiry of General Carver; [KC10.2](#) Statement to this Inquiry of Lord Crawford; [G74.457](#) “Proposed March in Londonderry”, submission of Anthony Stephens to the Secretary of State for Defence, 26th January 1972 (but see [KS3.111-112](#) Statement to this Inquiry of Anthony Stephens and [Day 273/13-14](#) Oral evidence to this Inquiry of Anthony Stephens).

² [KK3.2](#) Statement to this Inquiry of John Taylor; [Day 196/14-17](#) Oral evidence to this Inquiry of John Taylor; [KB1.3](#) Statement to this Inquiry of Kenneth Bloomfield; [Day 216/46-47](#) Oral evidence to this Inquiry of Kenneth Bloomfield; [KR1.5](#) Statement to this Inquiry of Robert Ramsay; [Day 215/13-14](#), [Day 215/128](#), [Day 215/96-99](#) Oral evidence to this Inquiry of Robert Ramsay; [KC15.10-11](#) Statement to this Inquiry of Brian Cummings; [Day 253/14-16](#) Oral evidence to this Inquiry of General Ford.

8.19 The formal constitutional responsibility for internal security matters lay with the Northern Ireland Government, but the most significant of the available forces, the Army, which had been deployed “*in support of the constitutional civil authority*”¹ remained under the ultimate control of the United Kingdom Government and Parliament. Elsewhere in this report² we discuss in more detail the process by which security policy in Northern Ireland was made and the constitutional and legal position of the Army in Northern Ireland at the time of Bloody Sunday.

¹ [V58](#) Extract from Hansard, Oral answers of the Minister of State for Defence, 17th February 1972.

² [Chapters 193–196](#)

8.20 The GOC exercised command of the Army in Northern Ireland and, as we have already noted, Lieutenant General Sir Harry Tuzo filled this post during the period with which we are concerned. He was responsible, through the CGS (General Carver) and the Chief of the Defence Staff (Admiral Hill-Norton), to the MoD and hence to Westminster. In Northern Ireland, the GOC also fulfilled the role of the Director of Operations, in which he was instructed to exercise operational command of all land forces (including the Ulster Defence Regiment (UDR)), as well as certain naval and air forces. The GOC’s responsibilities with regard to the RUC are discussed below. We consider below and elsewhere in this report¹ the GOC’s role in the formulation of security policy in Northern Ireland, and his relationship with the governments in London and Stormont.

¹ [Chapters 193–196](#)

8.21 The GOC chaired the Director of Operations Committee (D Ops Committee), which had responsibility for discussing, planning and co-ordinating security operations. At the time of Bloody Sunday, this comprised:

- General Officer Commanding Northern Ireland: Lieutenant General Sir Harry Tuzo;
- Commander Land Forces Northern Ireland: Major General Robert Ford;

- Director of Intelligence: David (surname withheld for security reasons);
- Chief Constable of the RUC: Sir Graham Shillington;
- Assistant Chief Constable (Operations) RUC: David Corbett;
- Head of Special Branch: David Johnston; and
- Chief of Staff, Headquarters Northern Ireland (HQNI): Brigadier Marston Tickell.

8.22 There is some dispute as to whether other figures, such as the Government Security Adviser, William Stout, and the United Kingdom Government Representative, Howard Smith, were permanent members of this committee, or merely attended some meetings, though it seems to us likely that the latter at least was a permanent member.¹ Major INQ 1869² served as secretary from February 1971. The committee generally met on a Wednesday, before the JSC meetings on Thursday.

¹ [G116B.771.11](#) Annex to JSC report on events in Londonderry, 5th February 1972, *Northern Ireland Chain of Command*.

² This is the cipher used by the Inquiry to preserve the anonymity of this soldier.

8.23 The CLF worked closely with, and in effect as deputy to, the GOC, and both were based at HQNI in Lisburn, County Antrim. General Robert Ford replaced General Anthony Farrar-Hockley in this post from 29th July 1971.¹ The CLF had responsibility for the day-to-day conduct of Army operations in Northern Ireland. General Ford and senior staff officers would attend General Tuzo's "*morning prayers*" (informal discussions which were not minuted)² and, on at least three occasions a week, the GOC and the CLF would meet privately, including for talks before D Ops Committee meetings.³

¹ [B1208.019](#) Statement to this Inquiry of General Ford.

³ [Day 253/13](#) Oral evidence to this Inquiry of General Ford.

² [Day 244/113](#) Oral evidence to this Inquiry of Brigadier Tickell; [Day 241/199](#) Oral evidence to this Inquiry of Colonel Tugwell.

8.24 The Director of Intelligence, David, was a member of the Security Service who held the equivalent rank of Major General. His role was to co-ordinate the intelligence-gathering efforts of the various elements of the security forces in Northern Ireland. David oversaw a department consisting of other Security Service officers and military personnel, and he liaised closely with the RUC, especially Special Branch.¹ He was in regular contact with General Tuzo and General Ford.²

¹ [KD2.1](#) Statement to this Inquiry of David.

² [Day 330/4](#) Oral evidence to this Inquiry of David.

8.25 Beyond HQNI, Northern Ireland was divided into three brigade areas. At the time of Bloody Sunday the three brigades were: 39th Infantry Brigade (39 Inf Bde), based in Belfast under the command of Brigadier Frank Kitson; 5th Airborne Brigade (5 Airbde)

Bde), based in Lurgan, which had replaced 19th Airborne Brigade (19 Airborne Bde) during the autumn of 1971; and 8th Infantry Brigade, based in Londonderry, under Brigadier Patrick MacLellan, who took up his command on 27th October 1971 in succession to Brigadier Alan Cowan.

8.26 Each of the brigades was formed by a number of battalions and regiments and a Brigade Staff. At the time of Bloody Sunday, 8th Infantry Brigade had under its command 2nd Battalion, The Royal Green Jackets (2 RGJ), 1st Battalion, The Royal Anglian Regiment (1 R ANGLIAN), 1st Battalion, The Coldstream Guards (1 CG) and 22nd Light Air Defence Regiment, Royal Artillery (22 Lt AD Regt). 1st Battalion, The Parachute Regiment (1 PARA) was the Reserve Battalion for Brigadier Kitson's 39th Infantry Brigade. In addition to the battalions and regiments that made up each brigade, there was a Province Reserve; 1st Battalion, The King's Own Royal Border Regiment (1 KOB) became operational in this role on 15th January 1972.¹

¹ [G133A.904.4](#) Historical Record, 1st Battalion, The King's Own Royal Border Regiment.

8.27 The RUC, Northern Ireland's police force, was under the command of the Chief Constable (previously the Inspector-General), a position held between November 1970 and November 1973 by Sir Graham Shillington. At the time of Bloody Sunday, the Assistant Chief Constable (Operations), David Corbett, and the Head of Special Branch, David Johnston, sat with the Chief Constable on the D Ops Committee. Like the Army, the RUC divided Northern Ireland into geographical areas of responsibility, to which were designated letters. Division "N" included Londonderry, and was under the command of Chief Superintendent Frank Lagan.

8.28 The Chief Constable reported to the Government of Northern Ireland, and the RUC was part of the civil authority in support of which the Army was deployed from August 1969.

The relationship between the Army and the Royal Ulster Constabulary

8.29 Elsewhere in this report¹ we consider in greater detail the division of responsibilities between the Army and the RUC and the submissions made to this Inquiry on this topic. The following paragraphs provide an overview.

¹ [Chapters 193–196](#)

8.30 The relationship between the RUC and the Army was addressed very shortly after the initial deployment of troops to Northern Ireland, at the meeting that took place on 19th August 1969 between the then Prime Ministers, Harold Wilson and Major James Chichester-Clark, and their senior ministers.¹ The communiqué that was issued after the meeting included the following statement:²

“It was agreed that the GOC Northern Ireland will with immediate effect assume **overall responsibility for security operations** [emphasis added]. He will continue to be responsible directly to the Ministry of Defence but will work in the closest co-operation with the Northern Ireland Government and the Inspector-General of the Royal Ulster Constabulary [then the chief officer of the RUC]. **For all security operations the GOC will have full control of the deployment and tasks of the Royal Ulster Constabulary** [emphasis added]. For normal police duties outside the field of security the Royal Ulster Constabulary will remain answerable to the Inspector-General who will be responsible to the Northern Ireland Government.”

¹ As is described above, it was this meeting that led to the publication of the Downing Street Declaration.

² [G0.10](#), [G37C.252.6](#) “Responsibility for Law and Order in Northern Ireland”, a note by the Chairman of the Official Committee, 10th December 1971.

8.31 In October 1969, as a result of representations by the then chief officer of the RUC, Sir Arthur Young, this arrangement was modified. The Directive that defined the GOC’s role as Director of Operations was amended so that he was made responsible, not for full control, but for the “*co-ordination of the tasking of the RUC*” in relation to “*security operations*”.¹

¹ [G37C.252.6](#)

8.32 The responsibility of the GOC for such “*co-ordination*” was reaffirmed in a revised Directive issued by the Acting Chief of the Defence Staff to the GOC in February 1971, which continued to have effect at the time of Bloody Sunday.¹ This Directive defined “*security operations*” as:²

“relating to internal and external security and cover[ing]:

- a. The execution of operations necessary to counter action, whether covert or overt, aimed at subverting the security of the State.
- b. The action necessary for the protection of life and property in case of actual or apprehended civil commotion.”

The Directive also reiterated that: “*Outside the security field you will have no responsibility for normal police duties, for which the Chief Constable will remain responsible to the Northern Ireland Government.*”³

¹ [G1AAB.19.1.1.8-10](#); [FS10.342](#)

³ [G1AAB.19.1.1.10](#)

² [G1AAB.19.1.1.8](#)

8.33 As we discuss in detail elsewhere in this report,¹ we broadly accept the following summary of the relationship between the Army and the RUC given by Kenneth Bloomfield, the Deputy Secretary to the Northern Ireland Cabinet at the time of Bloody Sunday, in his oral evidence to this Inquiry:²

“Q: Can you tell us what that meant in effect: did it mean that the RUC were subject to – I do not know what is the right word – supervision, control, whatever, of the GOC?”

A: No, I think it was a more sophisticated situation than that. I think what it meant was that the Army would be in the lead in considering how to handle what you might describe as the security situation, but you know, they would try to treat the RUC as a reasonably equal partner. Clearly, they had a tremendous input to make into that sort of situation from their local knowledge, but at the end of the day it would be for the GOC ultimately, or for officers responsible, to say ‘look, we have listened to all of this, we have discussed all of this, now this is how we are going to handle it’.”

¹ [Chapters 193 and 194](#)

² [Day 216/36](#)

8.34 There was another aspect of the relationship between the Army and the RUC, namely that relating to the investigation by the Royal Military Police (RMP), rather than the RUC, of possible criminal offences by soldiers in Northern Ireland. We consider this matter elsewhere in this report.¹

¹ [Paragraphs 194.9–16](#)

Internment

8.35 The Northern Ireland Government had the constitutional power to introduce internment without trial and in theory could have done so without the agreement of the United Kingdom Government. However, in view of the involvement of the Army with security in Northern Ireland, and the fact that this force would in all probability be needed to guard internees, it was accepted by both governments that internment would not be introduced without such agreement.¹

¹ [G4.49](#) Text of a message from the Home Secretary to Brian Faulkner, 4th August 1971; [G4A.49.2-3](#) GEN 47 minutes, 5th August 1971.

8.36 The question of introducing internment without trial had been under consideration for some time.¹ The United Kingdom Government was initially opposed to the idea, and was minded to wait until after the annual Apprentice Boys' Parade (due to take place in Londonderry on 12th August 1971) before making a decision on the issue.² However, the increasing terrorist violence in July 1971 put great pressure on Brian Faulkner to introduce this measure, and he sought the agreement of the United Kingdom Government to taking this course.³

¹ Faulkner, *Memoirs*, p117; [G3A.48.1](#) Extract from Home Office Memorandum, "Northern Ireland: Political Summary for the Period 16th – 22nd July 1971", 23rd July 1971.

² [G3D.48.18](#) Minutes of the Defence and Oversea Policy Committee, 3rd August 1971.

³ [G3BA.48.13.1](#) Letter from Anthony Stephens to PL Gregson, 21st July 1971; [G4A.49.2](#) GEN 47 minutes, 5th August 1971; [G5.50](#) Note of a Meeting at 10 Downing Street on 5th August 1971; [G3D.48.18-20](#) Minutes of the Defence and Oversea Policy Committee, 3rd August 1971.

8.37 The view expressed in July 1971 by the GOC, General Tuzo, was that the arguments against internment were very strong and that other measures should be tried first.¹ The United Kingdom Secretary of State for Defence, Lord Carrington, was reported to be in agreement with General Tuzo on this point.² The other measures included continually harassing known leading IRA activists.³ The Army had previously planned an operation (code-named Operation Hailstone) to lure out, engage and arrest terrorists and hooligans in the area above the Bligh's Lane Army and police post in Londonderry.⁴ This operation would have involved bringing 1 PARA to Londonderry for the first time. This battalion arrived on the outskirts of the city on 17th July, but the operation was ultimately abandoned and 1 PARA, who had not entered the city, returned to Belfast without incident.⁵

¹ [G3BA.48.13.1](#) Letter from Anthony Stephens to PL Gregson, 21st July 1971.

² [G3BA.48.13.1](#) Letter from Anthony Stephens to PL Gregson, 21st July 1971.

³ [G3BA.48.13.1-2](#), [G3BC.48.13.8](#) Letter from Anthony Stephens to PL Gregson, 21st July 1971.

⁴ [G3.24-41](#) Operation Hailstone, HQ 8 Infantry Brigade, 16th July 1971.

⁵ [G3.42-48](#) Operation Hailstone, HQ 8 Infantry Brigade, 16th July 1971; [CJ1.1](#), [CJ1.9](#) Statement to this Inquiry of Captain Mike Jackson.

8.38 There was also the problem of deciding what to do about the traditional Apprentice Boys' Parade, due to be held on 12th August 1971. Some senior Army officers in Londonderry were by now expressing the view that the shooting incidents starting on 4th July marked the beginning of a campaign by the IRA intended to pressurise the Stormont Government into banning this march.¹ However, an intelligence report for HQNI put a different interpretation on the renewed violence, namely that it was in order to gain support from

the nationalist community in Londonderry.² The view expressed by the GOC in early August was that the Army was not recommending on military grounds the banning of the Apprentice Boys' Parade.³

¹ [G27.196](#) 8th Infantry Brigade OP Directive 4/71, 10th November 1971.

³ [G4.49](#) Text of a message from the Home Secretary to Brian Faulkner, 4th August 1971.

² [G2C.23.12](#) HQNI Intelligence Summary No. 28/71, 15th July 1971.

8.39

On 5th August 1971 the GEN 47 Committee met to consider the situation. It would appear from the minutes of this meeting that the initial unfavourable view of internment was now changing, in view of the fact that a refusal to agree on the part of the United Kingdom Government would be very likely to render Brian Faulkner's position untenable.¹ By this time, the members of GEN 47 appear to have accepted that the Faulkner administration represented the last chance for Stormont and that if he fell it was almost inevitable that the Northern Ireland Government would have to be replaced with direct rule from Westminster, something that the United Kingdom Government wished to avoid if possible.²

¹ [G4A.49.1-4](#)

² [G1AA.19.1.1](#) Report from H Smith to the Home Secretary, 10th June 1971; [G3BB.48.13.5](#) Minutes of the Cabinet Ministerial Committee on Northern Ireland, 27th July 1971; [G3BC.48.13.10](#) Confidential annex to the minutes of the Ministerial Committee on Northern Ireland, 29th July 1971; [KH4.5](#) Statement to this Inquiry of Edward Heath.

8.40

The minutes of the GEN 47 meeting record the following discussion about the merits of introducing internment:¹

"In discussion it was agreed that the current military measures involved a relatively long campaign; internment, if it was effective would bring more immediate results. In deciding whether we should agree to its immediate use, it had to be borne in mind that it was the last action available to us short of direct rule. It could not be argued that internment would enable Mr Faulkner to carry on his Administration indefinitely. On the other hand, it seemed inevitable that internment would have to be used sooner or later. If we agreed to its use before 12 August, it could be accompanied by a prohibition on all processions, and it could then be represented as part of a comprehensive policy for maintaining public order and not directed against any particular section of the community. If Mr Faulkner were at his meeting that afternoon formally to seek our agreement to the use of internment, and we were to refuse it, the fact would become known, and Mr Faulkner's political position would become

impossible. Direct rule would then almost inevitably follow, and in that event we ourselves were likely to want to use the power of internment; it would be better if we had allowed the Northern Ireland Government to use the power of internment earlier. These were arguments for agreeing at once to the use of internment coupled with a prohibition of all processions before 12 August.

In further discussion it was observed that the use of internment would have international implications. It would involve entering a further derogation from the European Convention on Human Rights, and it was not impossible that the situation in Northern Ireland would be brought before the United Nations. It was also to be expected that retaliatory action by the IRA would not be confined to Ireland; hostages might be taken in Great Britain.”

¹ G4A.49.1-4

8.41 Prime Minister Edward Heath summed up the conclusion of the meeting in the following terms:

“THE PRIME MINISTER, summing up the discussion, said that, although a refusal to accede to a demand made that afternoon by Mr Faulkner for our agreement to the use of internment would seriously damage his political position, it had at the same time to be borne in mind that the United Kingdom Government would be bearing the effective responsibility for the act. The full implications of a resort to internment ought to be put before Mr Faulkner and it was undesirable that a decision on the use of internment should be taken before the matter had been thoroughly discussed with him. He himself, accompanied by the Home Secretary and the Secretary of State for Defence would see Mr Faulkner that afternoon. The fact that the meeting was taking place should not be made public.”

8.42 In the afternoon of the same day Edward Heath, together with the Home, Foreign and Defence Secretaries, met Brian Faulkner in London. The upshot of this meeting was that the United Kingdom Government agreed to support internment provided there was a complete ban on all marches.¹ According to Edward Heath’s oral evidence to this Inquiry, Brian Faulkner was reluctant to accept this condition, and only did so because it was clear that, without it, the United Kingdom Government would not agree to internment.² Brian Faulkner himself recorded in his memoirs that he “*readily accepted*” the ban.³ The view of the United Kingdom Government was that if internment was accompanied with a

ban on all marches in Northern Ireland, the measures could be represented as part of a comprehensive policy for maintaining public order and not directed against any particular section of the community.⁴

¹ [G5.50-52](#) Note of a meeting at 10 Downing Street, 5th August 1971.

² [Day 282/96](#)

³ Faulkner, *Memoirs*, p120.

⁴ [G3BC.48.13.9](#) Minutes of the Cabinet Ministerial Committee on Northern Ireland, 29th July 1971; [G4A.49.3](#) GEN 47 minutes, 5th August 1971; [G5A.55.1-3](#) Note of a meeting at 10 Downing Street, 5th August 1971; [G5.52](#) Note of a meeting at 10 Downing Street, 5th August 1971.

8.43 During this meeting the CGS, General Carver, and the GOC, General Tuzo, attended to express their view that internment could not be described as an essential measure in purely military terms, as they considered that the IRA could be defeated by the methods currently being used, though whether the likely timescale for this was acceptable was a political and not a military question. The Chief Constable of the RUC expressed the view that the time for internment had now arrived.¹

¹ [G5.51](#) Note of a meeting at 10 Downing Street, 5th August 1971.

8.44 The decision to introduce internment was criticised during the present Inquiry. Those representing the family of Jim Wray, one of those killed on Bloody Sunday, submitted that the need for a formal derogation from the European Convention on Human Rights, the possibility of the situation in Northern Ireland being brought before the United Nations and the risk of IRA activity extending to Great Britain “*were discussed more as an inconvenient consequence of the action rather than a measure of its gravity*”. The same representatives described internment as a “*monstrous violation of human rights*”.¹ It was submitted by those representing other families that internment represented an act of British “*appeasement*” of the Northern Ireland Government.²

¹ [FS4.18](#)

² [FS1.486-491](#)

8.45 We have found nothing in the evidence to support the suggestion that internment was regarded as other than a grave step to take; or that its consequences were regarded as inconveniences rather than a measure of its gravity. On the contrary it seems to us that the records of the discussions show that the question of internment and its consequences were carefully and thoroughly considered.¹ The analysis of the United Kingdom Government was that unless internment was introduced Brian Faulkner and his government would fall, and that this would lead to the imposition of direct rule in circumstances where the United Kingdom Government would itself be likely to have to introduce internment.² It was to avoid such an outcome, not to “*appease*” the Northern Ireland Government, which led the United Kingdom Government to agree to internment.

Furthermore, the attitude of unionists in the face of Provisional and Official IRA campaigns of violence intended to lead to the end of partition was something that could not simply be ignored by the United Kingdom Government.

¹ [G3D.48.19](#) Confidential annex to the minutes of the Defence and Policy Committee, 3rd August 1971; [G4A.49.3](#) GEN 47 minutes, 5th August 1971; [G5.51](#) Note of a meeting at 10 Downing Street, 5th August 1971.

² [G3BB.48.13.4-5](#) Memorandum by the Home Secretary, 27th July 1971; [G4A.49.3](#) GEN 47 minutes, 5th August 1971; [G4AA.49.6](#) Manuscript notes of GEN 47, 5th August 1971, from Sir Burke Trend's minute book.

8.46 Internment was introduced under Regulation 12 of the Schedule to the Civil Authorities (Special Powers) Act (Northern Ireland) 1922.¹ Internment had been used before by both the Northern Ireland Government and the Republic of Ireland during the IRA campaign between 1956 and 1962. By the beginning of August 1971, however, the United Kingdom Government was made aware that, this time, the Republic of Ireland would not introduce a similar measure.²

¹ [LAW2.12](#)

² [G3D.48.18](#) Minutes of the Defence and Overseas Policy Committee, 3rd August 1971.

Legality of the ban on marches

8.47 At the same time as internment was introduced, the Stormont Government imposed a six-month ban on marches under section 2(2) of the Public Order Act (Northern Ireland) 1951.¹ Section 2(4) of that Act, a provision inserted by section 2 of the Public Order (Amendment) Act (Northern Ireland) 1970, made it an offence for a person knowingly to take part in a banned public procession. The Criminal Justice (Temporary Provisions) Act (Northern Ireland) 1970 provided that the minimum penalty for this offence was imprisonment for six months. The Criminal Justice (Temporary Provisions)(Amendment) Act (Northern Ireland) 1970 made certain exceptions to this and there were special provisions for juveniles under the age of 17, such as custody in a remand home, training schools, borstal or attendance centres instead of imprisonment. There had been previous bans on marches, the last of which had covered the period between July 1970 and January 1971.²

¹ [LAW6.1](#)

² Ó Dochartaigh, *Civil Rights to Armalites*, p190.

8.48 At this Inquiry it was submitted that the circumstances in which the Northern Ireland Government came to introduce a ban on marches in August 1971 raised the question of whether the ban fell outside the provisions of the Public Order Act and violated Articles 10 and 11 of the European Convention on Human Rights, on the grounds that it was introduced by the Government of Northern Ireland, not for genuine security reasons, but as the price to be paid for the agreement of the United Kingdom Government to

internment.¹ It is neither necessary nor desirable in this report to express a view on these matters, which are essentially questions of law, since we have no evidence to suggest that any of those taking part in, or seeking to stop, the march on Bloody Sunday acted otherwise than in the belief that it had been legally banned, and since it is far from certain that all the relevant evidence, materials and arguments have been put before us.

¹ [FS10.271-296](#) Final submissions on behalf of NICRA; [FS4.14-18](#) Final submissions made on behalf of the Wray family; [FS1.510-515](#) Final submissions made by Madden & Finucane.

The response to internment

8.49 It had been intended to introduce internment on 10th August 1971 but fear that news of it might leak led to the operation (code-named Operation Demetrius) starting in the early hours of the previous day,¹ when 342 people were arrested in Northern Ireland as being suspected IRA terrorists or republican activists.² In the Londonderry area, 67 or 68 were detained out of 86 sought by the security services, of whom about 20 were arrested in the city itself.³

¹ Michael Carver, *Out of Step: Memoirs of a Field Marshal*, London: Hutchinson, 1989, p409.

² The Compton Committee, *Report of the enquiry into allegations against the Security Forces of physical brutality in Northern Ireland arising out of events on the 9th August, 1971* (London: HMSO, 1971 Cmnd 4823), para 9.

³ [G14A.86.003](#) Brigadier Cowan's notes for the visit of the Secretary of State and the Prime Minister, 30th September 1971; [G41.264](#) "Future Military Policy in Londonderry: An Appreciation by the CLF", 14th December 1971; Ó Dochartaigh, *Civil Rights to Armalites*, pp270–271; McCann, *War and an Irish Town*, p92.

8.50 The response to internment was immediate and, in many cases, violent. All but two of those arrested were Catholics, and both the non-Catholics were associated with the civil rights campaign or republican groups.¹ Although Brian Faulkner maintained that this was because only the Official IRA and the Provisional IRA were then involved in an organised and systematic campaign of violence,² the perception of many, if not most, of the minority community in Northern Ireland was that this was yet another example of sectarianism and repression by the authorities at Stormont, aided and abetted by the security forces.³ In addition, there was resentment from the fact that the intelligence on which internment was based appeared unimpressive – many of those initially picked up were soon released – and from the feeling that internment was a political move designed to shore up Brian Faulkner's position against attack from right wingers.⁴ In Londonderry there were many

days of renewed rioting, local people erected more barriers in the Bogside and the Creggan and the Provisional and Official IRA both mounted armed patrols in these areas of the city.⁵

¹ [G9B.66.13](#) Minutes of a meeting of the (Northern Ireland) Cabinet, 20th August 1971; Michael Farrell, *Northern Ireland: The Orange State* (London: Pluto Press, 1976), p282.

² Faulkner, *Memoirs*, p119; [G5.54](#) Note of a meeting at 10 Downing Street, 5th August 1971.

³ McKittrick and McVea, *Making Sense of the Troubles*, pp69–70; Ó Dochartaigh, *Civil Rights to Armalites*, pp236–238; John Peck, *Dublin from Downing Street* (Dublin: Gill and Macmillan, 1978), pp127–128.

⁴ McKittrick and McVea, *Making Sense of the Troubles*, pp67–70.

⁵ Ó Dochartaigh, *Civil Rights to Armalites*, p236; [G7B.60.6](#) Memorandum attaching report of the Ireland Current Intelligence Group, 10th August 1971; [G9BA.66.9.2-3](#) Memorandum attaching special assessment approved by the JIC.

8.51

Those opposed to internment included moderate Catholics.¹ In Londonderry a group of 30 leading Catholic figures (sometimes known as the Committee of 30), including the Chairman of the local RUC Liaison Committee and three members of the Londonderry Development Commission (the body by then administering the city), resigned their public offices in protest, announcing their withdrawal on 19th August 1971.² Non-unionist councillors of some 20 local authorities also announced their withdrawal from their councils.³

¹ Ó Dochartaigh, *Civil Rights to Armalites*, pp236–237; Routledge, *John Hume*, p106.

² [G14AA.86.1.5](#) Extracts from steering brief for the visit of the Prime Ministers of the Irish Republic and of Northern Ireland, 24th September 1971; Ó Dochartaigh, *Civil Rights to Armalites*, pp236–237.

³ Hennessey, *History of Northern Ireland*, p195.

8.52

Moderates and radicals combined in a campaign of civil disobedience aimed at ending internment. Within days, a rent and rates strike had been launched across Northern Ireland, organised primarily by the Northern Ireland Civil Rights Association (NICRA), but with the support of the Social Democratic and Labour Party (SDLP) politicians and other opposition and civil rights groups.¹ In Londonderry this was augmented by a one-day industrial strike on 16th August 1971 that was supported by an estimated 8,000 workers.²

¹ [KB2.12](#) Statement to this Inquiry of Kevin Boyle; [Day 123/111-112](#) Oral evidence to this Inquiry of Kevin Boyle; [G14AA.86.1.5](#) Extracts from steering brief for the visit of the Prime Ministers of the Irish Republic and of Northern Ireland, 24th September 1971; Professor Ian McAllister, *The Northern Ireland Social Democratic and Labour Party:*

Political Opposition in a Divided Society (London: Macmillan, 1977), pp99–100; McKittrick and McVea, *Making Sense of the Troubles*, p252; Farrell, *Northern Ireland: The Orange State*, p283.

² CAIN website, <http://cain.ulst.ac.uk/othelem/chron/ch71.htm>.

8.53 In the four days after the introduction of internment, the continuing unrest led to 25 deaths and many injuries in Northern Ireland.¹ In Londonderry Hugh Herron, a Catholic, was shot by a soldier in Long Tower Street in disputed circumstances and Paul Challenor, a bombardier in the Royal Horse Artillery, was shot at the Bligh's Lane Army and police post by republican paramilitaries and died shortly afterwards.² Bombardier Challenor was the first person to be shot and killed by Official or Provisional IRA gunfire in Londonderry in the Troubles.³ Several soldiers were also injured by gunfire in the city.⁴

¹ McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, pp79–91.

³ McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, p88; Ó Dochartaigh, *Civil Rights to Armalites*, p236.

² McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, p86 and p88; Ó Dochartaigh, *Civil Rights to Armalites*, p236.

⁴ Ó Dochartaigh, *Civil Rights to Armalites*, p236.

8.54 On 18th August 1971 the Army mounted an operation in Londonderry (code-named Operation Huntsman) to engage republican paramilitaries, arrest rioters and remove the barricades. According to the Army reports, the soldiers came under heavy fire from Thompson sub-machine guns and other weapons, to which they responded. During the exchange the Army killed an IRA gunman, Eamonn Lafferty, the adjutant of the Provisionals' Derry Brigade. The operation also involved widespread use of CS gas and rubber bullets. The Army succeeded in removing nearly all the barricades, but by the following morning most of them had been replaced.¹

¹ [G8B.63.5](#) Confirmatory notes to operational orders of Commanding Officer 2 RGJ for Operation Huntsman, 16th August 1971; [G9C.66.14](#) 2 RGJ weekly intelligence summary no. 10, 24th August 1971; [G3C.48.14-15](#) 2 RGJ Commander's Diary, August 1971; McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, p.91.

8.55 During the course of Operation Huntsman, two Northern Ireland MPs, John Hume and Ivan Cooper, were arrested with others for remaining in an assembly of more than three persons after being ordered to disperse by an Army officer.¹ They successfully challenged their conviction on the grounds that the regulations in question were invalid, since the Northern Ireland Parliament had no power to make laws in respect of the Armed Forces. The Westminster Parliament in February 1972 passed retrospective legislation (the Northern Ireland Act 1972) validating the regulations. Elsewhere in this report² we consider these events and the submissions arising from them in more detail.

¹ Ó Dochartaigh, *Civil Rights to Armalites*, pp238–239; [G9C.66.14](#) 2 RGJ weekly intelligence summary no. 10, 24th August 1971.

² [Chapter 195](#)

The period of containment

8.56 On 20th August 1971 the GOC, after meeting the Committee of 30, decided to adopt a policy of lowering the military profile in Londonderry in the hope that this would give moderates the chance to calm the situation.¹ This involved abandoning any routine patrolling of the Bogside and the Creggan and the taking of no military initiatives, save in response to aggression or for specific search or arrest operations.²

¹ [G116.751](#) "Summary of Events in Londonderry on Sunday 30th January 1972"; Carver, *Out of Step: Memoirs of a Field Marshal*, p410; [L279.1](#) Extract from *Eastern Daily Press*, May 1998; Ó Dochartaigh, *Civil Rights to Armalites*, pp237–239.

² [G116.751](#) "Summary of Events in Londonderry on Sunday 30th January 1972".

8.57 General Tuzo took this step, which at the time he described as an experiment that might fail but was worth trying, after being persuaded to do so by moderate middle-class opinion in Londonderry.¹ According to General Ford, General Tuzo was particularly influenced to take this course by Chief Superintendent Lagan, the senior police officer in Londonderry and its environs.²

¹ [G11.73](#) Agenda and Conclusions, JSC meeting, 26th August 1971.

² [Day 253/25](#); [Day 253/51-52](#)

8.58 The policy had the temporary effect of reducing rioting and similar disturbances in the city, but the moderates in the nationalist community who had persuaded General Tuzo to take this step, and those who worked with and supported them, were unable to deliver a suspension of the republican paramilitary campaign, and in particular the bomb attacks.¹ Furthermore, it reinforced the view held by many that the Bogside and Creggan had returned to being unacceptable no-go areas ruled by the Official and Provisional IRA, which led in turn to criticism of the Army in unionist circles.² The Army did occasionally go into these areas, but there was no routine patrolling in the Bogside and Creggan; and in the following months any incursion started to be signalled by an efficient warning system of the banging of dustbin lids, the blowing of car horns, sirens and the like with (at night) the use of searchlights; and was met with rioting crowds as well as armed resistance.³

¹ Ó Dochartaigh, *Civil Rights to Armalites*, pp239–240.

² [G11.73-74](#) Agenda and Conclusions, JSC meeting, 26th August 1971.

³ [G41.264](#) "Future Military Policy in Londonderry: An Appreciation by the CLF", 14th December 1971.

8.59

Large-scale rioting, accompanied by bombing and shooting, broke out in the city after Annette McGavigan, a 14-year-old girl, was killed by gunfire in disputed circumstances on 6th September 1971.¹ The incident occurred during the disturbances that accompanied the court proceedings brought against John Hume and others following their arrest during Operation Huntsman.² Further violent riots followed the death some days later of a 3-year-old boy who had been hit by an Armoured Personnel Carrier.³ The historian Niall Ó Dochartaigh wrote that these deaths, and the other civilian casualties in this period, meant that, despite the lower profile adopted by General Tuzo, “*huge numbers of Derry Catholics, conservatives, moderates and extremists, [saw] the British army as a dangerous and malevolent force*”.⁴

¹ [G13AA.82.1](#) Joint Intelligence Committee, Special Assessment, 16th September 1971; McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, pp97–98; Ó Dochartaigh, *Civil Rights to Armalites*, p240.

² Ó Dochartaigh, *Civil Rights to Armalites*, p240; Eamonn McCann, Maureen Shiels and Bridie Hannigan, *Bloody Sunday in Derry*, reprinted edition (Dingle: Brandon Book Publishers, 1992), p59.

³ Ó Dochartaigh, *Civil Rights to Armalites*, pp240–241; [G13AA.82.1.2](#) Joint Intelligence Committee, Special Assessment, 16th September 1971.

⁴ Ó Dochartaigh, *Civil Rights to Armalites*, p241.

8.60

In Londonderry there were a number of Army casualties from republican paramilitary activities between September and November 1971. On 2nd September Major Robin Alers-Hankey was shot (and eventually died on Bloody Sunday) while deploying his troops to protect firemen who were being attacked by stone throwers as they tried to deal with a blaze at a timber yard at the junction of Abbey Street and Frederick Street in the Bogside.¹ On 14th September Sergeant Martin Carroll was shot dead outside Bligh's Lane Army and police post.² On 27th September Private Roger Wilkins was mortally wounded by machine gun fire while on duty in the Brandywell area of the city.³ On 16th October Rifleman Joseph Hill was shot and killed as he stood in Columbcille Court in the Bogside after following up rioters.⁴ On 27th October Gunner Angus Stevens and Lance Bombardier David Tilbury were killed by a bomb attack on an Observation Post at the back of the police station in the Rosemount area of the city, which lay to the north of the Creggan.⁵ On 9th November Lance Corporal Ian Curtis was mortally wounded by gunfire near the junction of Foyle Road and Bishop Street while on patrol.⁶

¹ [G107A.652.002](#) NIRSEC situation report no.31, 21st January 1972; McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, pp149–150.

² McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, p99.

³ McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, p105.

⁴ McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, p106.

⁵ McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, p111.

⁶ McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, p117.

8.61 Two civilians, both Catholics, were also killed by gunfire in Londonderry during the same period: William McGreanery on 14th September 1971, and Kathleen Thompson on 6th November. Both died in disputed circumstances, with allegations made that the Army had unjustifiably killed unarmed and uninvolved civilians.¹

¹ McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, pp98–99 and p116; McCann, Shiels and Hannigan, *Bloody Sunday in Derry*, pp59–60; Ó Dochartaigh, *Civil Rights to Armalites*, p242.

8.62 Throughout Northern Ireland, 108 people were killed and many seriously injured between the introduction of internment in August 1971 and the end of November 1971.¹

¹ McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, pp77–121.

8.63 The bombing campaign in Londonderry continued. Between July and December 1971 there were over 200 explosions and an additional 180 nail bombing incidents.¹ The objective of the Provisional IRA's bombing strategy, according to the evidence of Martin McGuinness who was then a member of the Provisional IRA, was to exert pressure on and stretch the security forces in addition to the direct attacks on the Army.²

¹ [G41.263](#) "Future Military Policy in Londonderry: An Appreciation by the CLF", 14th December 1971.

² [Day 390/34](#); [Day 390/52](#)

8.64 In addition, rioting by youths in the city had become almost ritualised.¹ There were regular riots on Saturday afternoons, the "Saturday matinées", which usually took place at the corner of Rossville Street and William Street, a junction that became known to soldiers and others as Aggro Corner.² There were also frequent riots on other days,³ including on Sunday afternoons after the televised football match.⁴

¹ [AK17.7](#) Noel Kelly's statement to this Inquiry.

² [Day 113/123-124](#) Oral evidence to this Inquiry of William McCormack; [Day 420/140](#) Oral evidence to this Inquiry of Kevin Martin; [Day 425/3-4](#) Oral evidence to this Inquiry of Brian Power.

³ [Day 113/123-124](#) Statement to this Inquiry of William McCormack; [WT4.16](#) Oral evidence to the Widgery Inquiry of Fr Daly; [WT6.2](#) Oral evidence to the Widgery Inquiry of Raymond Rogan.

⁴ [M79.2](#) Written statement for the Widgery Inquiry of Nigel Wade.



8.65

Although one witness described the rioting as “a kind of play”, which he told us the soldiers enjoyed as much as the rioters,¹ there is little doubt that it was serious and gave rise to serious injury.² According to Army sources, groups of boys and young men gathered to throw stones, bottles and other objects at the soldiers standing behind barriers. The soldiers would fire rubber bullets and sometimes attempt to snatch rioters from the crowd, but with little success.³ On occasion paramilitaries would use these riots or their aftermath as an opportunity to snipe at soldiers (as appears to have been the case with the shooting of Rifleman Hill and Major Alers-Hankey mentioned above) or to throw nail or petrol bombs.⁴ We have little doubt that had the crowd isolated a soldier, it is likely that he would have been killed.⁵ In short, the rioting often carried with it the risk to soldiers of serious injury or even death.

¹ [AH39.2](#) Statement to this Inquiry of Thomas Harrigan.

² [Day 55/33](#) Oral evidence to this Inquiry of Fr McIvor.

³ [G116B.771.11-14](#) Summary of events in Londonderry on Sunday 30th January 1972; [G138.920-922](#) “An Appreciation of the ‘Londonderry Hooligan Element’” written by Colonel Jackson, Commanding Officer of 1 R ANGLIAN.

⁴ [AH67.2](#) Statement to this Inquiry of Hugh Hegarty; [AD26.10](#) Statement to this Inquiry of Donal Deeney; [AC157.7](#) Statement to this Inquiry of Michael Clarke; [WT4.17-19](#) Oral evidence of Fr Daly to the Widgery Inquiry; [G138.920-922](#); “An Appreciation of the ‘Londonderry Hooligan Element’” written by Colonel Jackson, Commanding Officer of 1 R ANGLIAN.

⁵ [Day 68/27](#) Oral evidence to this Inquiry of Hugh Hegarty.

The treatment of internees

8.66 Very shortly after the introduction of internment, public complaints were made about the treatment of internees. In response, on 31st August 1971 the Home Secretary, Reginald Maudling, appointed a committee of inquiry under the chairmanship of Sir Edmund Compton. The committee initially looked into allegations made by 40 people arrested on 9th August. Only one of the complainants appeared before the committee, most others adopting the stance taken by NICRA that the inquiry was unacceptable because of its constitution and the decision to hold its proceedings in private. The Compton report, presented to Parliament in November 1971, cleared the security forces of any acts of “*physical brutality*”, but concluded that in respect of 11 individuals there had been “*physical ill-treatment*” during interrogation in depth in the form of what became known as the “*five techniques*”. These were: making the internee stand against a wall for long periods; hooding the internee; subjecting the internee to continuous noise; depriving the internee of sleep; and depriving the internee of food other than a bread and water diet. In six other cases not involving these techniques, the report found that complainants had suffered “*a measure of ill-treatment*”. Other individuals also suffered some form of hardship or ill-treatment, although in most of these cases the committee felt that this was unintended.¹

¹ Compton Committee, *Report of the enquiry into allegations against the Security Forces of physical brutality in Northern Ireland arising out of the events on the 9th August, 1971* (London: HMSO, 1971 Cmnd 4823).

8.67 On 16th November 1971 Reginald Maudling announced that another committee would consider whether to amend “*the procedures currently authorised for the interrogation of persons suspected of terrorism and for their custody while subject to interrogation*”. The three-man committee, which was chaired by Lord Parker of Waddington, presented their findings on 31st January 1972, the day after Bloody Sunday. The majority view, expressed in the report of the chairman and John Boyd-Carpenter, was that there was no reason to rule out the five techniques on moral grounds and that it was “*possible to operate them in a manner consistent with the highest standards of our society*” provided that certain safeguards were observed. However, in his minority report Lord Gardiner said that he did not believe that such measures were morally justifiable even in emergency or war conditions. After the reports were published on 2nd March 1972, the Prime Minister announced that the five techniques would not be used in future as an aid to investigation.¹

¹ Parker Committee, *Report of the Committee of Privy Counsellors appointed to consider authorised procedures for the interrogation of persons suspected of terrorism* (London: HMSO, 1972 Cmnd 4901).

8.68 The treatment of internees was also the subject of a case brought against the United Kingdom Government by the Government of the Republic of Ireland at the European Court of Human Rights. The European Commission of Human Rights unanimously held that the combined use of the five techniques constituted inhuman and degrading treatment and torture. However, the Court ultimately found that they amounted to inhuman and degrading treatment but not torture.¹ On 8th February 1977 the United Kingdom Government undertook to the Court that the five techniques would not in any circumstances be reintroduced as an aid to interrogation.²

¹ *Ireland v United Kingdom* [1978] 2 EHRR 25.

² *Ireland v United Kingdom* [1978] 2 EHRR 25, para 102.

8.69 It was submitted by the representatives of many of the families that the five techniques were, on the United Kingdom Government's own admission, authorised at "*high level*",¹ and that they demonstrated that the Government had sacrificed its adherence to the rule of law in "*what was, essentially, a war situation*".²

¹ FS1.518

² FS1.494-506

8.70 Whatever validity (if any) this submission may have with regard to the treatment of internees suspected of terrorist activities (a matter which falls outside the scope of this report), we are not persuaded that the findings of the European Court of Human Rights, or the undertaking of the United Kingdom Government, showed that the United Kingdom Government had departed from the rule of law in its treatment of the nationalist population generally. What is important, however, in the present context, is that the allegations about the treatment of internees further exacerbated the feelings of enmity among many nationalists towards the United Kingdom and Northern Ireland Governments and the security forces.

The tripartite talks

8.71 Although the United Kingdom Government had made contingency plans to introduce direct rule from Westminster for Northern Ireland,¹ it continued throughout the period under consideration to seek to avoid this eventuality if possible.² This desire contributed to attempts by the United Kingdom Government to break the political impasse in Northern Ireland in autumn 1971. The primary initiative was to encourage talks among all the parties, including those who had withdrawn from Stormont, under the auspices of the

Home Secretary, Reginald Maudling. The intention was to reach an agreement whereby the minority community would return to Stormont and adopt a significant role in the administration of Northern Ireland.

¹ [G3BB.48.13.5](#) Minutes of the Cabinet Ministerial Committee on Northern Ireland, 27th July 1971.

² See, for example, Sir Philip Allen's summary of the position at [G32B.233.17](#) in his note on "Possible course of action", 23rd November 1971, which is discussed below.

8.72

There were three overlapping difficulties that the United Kingdom Government faced. First was the security situation. Throughout the autumn, the Northern Ireland Government pushed for tougher measures and greater resources, as well as the maintenance of internment.¹ This led to the second difficulty: the continued absence of the SDLP not only from Stormont, but also from any political talks with the two governments regarding the future of Northern Ireland while internment lasted. Initially, the parties had withdrawn over the deaths of Seamus Cusack and Desmond Beattie, but they subsequently demanded the abolition of internment as a precondition for their return.² Neither the United Kingdom nor the Northern Ireland Governments were prepared to accept this, and instead concentrated on trying to entice the SDLP back through reforms of the existing political structures. This developed into a third difficulty. The initiatives put forward by the Northern Ireland Government built on the new committee proposals of the previous June, which had been cautiously welcomed by the SDLP, and Brian Faulkner continued to envisage that the SDLP and others would act as a parliamentary opposition, albeit with greater powers of scrutiny.³ However, attitudes had hardened over the summer, and it quickly became apparent that the nationalist parties would not be satisfied with measures that did not allow them a guaranteed role in the executive, and not just the legislative, branch of government, something that was unacceptable (at this stage) to Brian Faulkner.⁴ The United Kingdom Government had supported the Northern Ireland Government's stance in mid-August,⁵ but subsequently began to express its desire for talks on ways of establishing "*an active, permanent and guaranteed role in the life and public affairs of the Province*" for the minority community.⁶

¹ [G12C.78](#) Record of a meeting held in the Cabinet Office, Whitehall on 15th September 1971; [G12A.78.1](#), [G12B.78.2](#) Exchange of letters between Brian Faulkner and General Tuzo, 13th and 15th September 1971; [G17.120](#) Record of a discussion with the Prime Minister of Northern Ireland held at 10 Downing Street on 7th October 1971.

² [G13B.82.6](#) Confidential annex to Cabinet minutes, 21st September 1971; McKittrick and McVea, *Making Sense of the Troubles*, p74; Routledge, *John Hume*, pp105–106.

³ [G8A.63.4](#) Confidential annex to Cabinet minutes, 16th August 1971; [G9A.66.6-7](#) Note of a meeting held at Chequers, 19th August 1971; [G9B.66.11](#) Northern Ireland Cabinet minutes.

⁴ [G10A.70.2](#) Joint Intelligence Special Assessment, 26th August 1971.

⁵ [G9A.66.6-7](#) Note of a meeting held at Chequers, 19th August 1971; [G9B.66.11](#) Northern Ireland Cabinet minutes, 20th August 1971.

⁶ [G13B.82.6](#) Confidential annex to Cabinet minutes, 21st September 1971; [G22C.163.7](#) Minutes of GEN 47, 29th October 1971; [G28A.220.3-4](#) Minutes of GEN 47, 12th November 1971.

8.73 The United Kingdom Government also sought to engage with the Government of the Irish Republic in order to make further efforts to end the conflict in Northern Ireland. Initially, Edward Heath attempted to persuade Jack Lynch, the then Taoiseach of the Republic of Ireland, that his government should encourage the nationalist parties to enter the Home Secretary's talks. To this end, he invited both Jack Lynch and Brian Faulkner to Chequers, his official residence, at the end of September. This too proved problematic. Edward Heath and Jack Lynch had publicly exchanged acrimonious telegrams the previous month following the introduction of internment. This incident heightened the suspicions of hard-line unionists¹ and Brian Faulkner himself expressed his reservations about meeting the Taoiseach at this time.²

¹ [G12AA.78.1.1-2](#) Text of a telephone conversation between Mr Faulkner and the [United Kingdom] Prime Minister, 10th September 1971.

² [G9A.66.5-6](#) Note of a meeting held at Chequers, 19th August 1971; [G12AA.78.1.1-2](#) Text of a telephone conversation between Mr Faulkner and the [United Kingdom] Prime Minister, 10th September 1971.

8.74 The tripartite talks took place between 26th and 28th September 1971.¹ The talks were wide-ranging, but were predicated on an understanding that there would be no substantive negotiations on the constitutional question.² On this, the Taoiseach continued to call for reunification, while the United Kingdom Prime Minister restated his government's adherence to the Ireland Act 1949, which guaranteed that the union with Britain would not be removed without the consent of the Stormont Parliament.³

¹ [G14AC.86.1.14](#) United Kingdom note on the visit of the Prime Ministers of the Irish Republic and of Northern Ireland; [G14AC.86.1.48](#) Communiqué.

² [G14AAA.86.1.1.1](#) Memorandum from Sir Burke Trend to the Prime Minister, September 1971; [G12AC.78.1.16](#) Note of a telephone conversation between the Prime Ministers of the United Kingdom and Northern Ireland, 11th September 1971.

³ [G14AC.86.1.26](#) Record of a discussion between the Prime Ministers of the United Kingdom, Northern Ireland and the Republic of Ireland, 27th September 1971; [G14AC.86.1.22](#) Record of a discussion between the Prime Ministers of the United Kingdom and the Republic of Ireland, 27th September 1971.

8.75 During the talks, Brian Faulkner urged the Government of the Irish Republic to take firmer measures and increase co-operation on security, arguing that the first priority in Northern Ireland was to restore law and order.¹ Jack Lynch expressed his opinion that internment had been a major error, and stated that it would not be introduced in the Republic, where the conditions for derogation from the European Convention on Human Rights were not met.² He considered that the security situation could only be improved by a political solution that allowed the minority community to participate in government, something that had not been envisaged by Brian Faulkner's reforms.³ Brian Faulkner's position was that

there was no possibility of the majority (Unionist) party forming a government with members of the SDLP “*because they differed so fundamentally from members of the existing Government on the constitutional position*”.⁴

¹ [G14AC.86.1.27](#)

³ [G14AC.86.1.26-28](#); [G14AC.86.1.31](#)

² [G14AC.86.1.26-28](#)

⁴ [G14AC.86.1.32](#)

8.76 Unsurprisingly, little was agreed between the governments and a somewhat bland communiqué was issued, condemning the use of violence as an instrument of political pressure.¹ Although the fact that the tripartite talks took place at all was significant, and to some extent an achievement in itself, the event did not lead directly to any political progress in the ensuing months, nor did it reduce the risk of having to introduce direct rule.

¹ [G14AC.86.1.48](#)

General Carver’s military appreciation of the security situation

8.77 On 7th October 1971 there was a further meeting between the United Kingdom and Northern Ireland Prime Ministers. In advance of this meeting Edward Heath requested, and obtained, a full military appreciation of the security situation in Northern Ireland, including an assessment of “*what measures the Army would propose, if they were instructed that the primary objective was to bring terrorism in Northern Ireland to an end at the earliest possible moment, without regard to the inconveniences caused to the civilian population, and what forces they would require to carry these measures out*”.¹

¹ [G14AAA.86.9](#)

8.78 General Carver, the CGS, provided the assessment, emphasising in his covering memorandum of 4th October 1971 that, in his view, the problem was essentially a politico-military one and that the factors could not be disentangled.¹ He wrote:²

“The history of all previous campaigns against terrorists – and few of them have been wholly successful – proves that a purely military solution is most unlikely to succeed, and that whether it is achieved by military or political means or both, the isolation of the terrorist from the population is a sine qua non of success.”

¹ [G14B.86.8](#)

² [G14B.86.8](#)

8.79 The assessment itself painted a picture of a deteriorating security situation, with both the Provisional IRA and the Official IRA supporting a terrorist campaign designed to provoke Protestant anger, to force direct rule and then to influence public opinion in the United Kingdom to abandon the struggle to maintain partition.¹

¹ [G14B.86.9-15](#)

8.80 So far as Londonderry was concerned, the assessment made reference to the Creggan and the Bogside as virtually no-go areas where about 200 extremists and a number of “*hard core*” hooligans operated “*unchecked*”, and to the clear failure of moderate Catholic opinion in the form of the Committee of 30 to improve matters.¹ General Carver accepted the desirability of reasserting the full range of military and police activity throughout the city, but advised that this would require a strong military presence (possibly as many as five battalions) on the ground for several months. He noted that the timing, political implications and likely reaction to such an operation would have to be carefully judged.² He set out the three courses he considered open:³

“Course 1. Continuing as we are, controlling the rest of Derry and raiding the [Creggan and Bogside] area for gunmen as our intelligence allows us. We would hope, though without great confidence, that progress in the political field would produce a gradual return to normality.

Course 2. Show our ability to go into the area when we want by establishing regular patrol patterns. This will achieve little except to please the Protestants.

It is a practical course but it will not achieve the removal of the obstructions and certainly will not re-establish law and order throughout the areas. But it could be done with our present force levels.

Course 3. To occupy and dominate the areas, take down the barricades, and, we hope, eventually persuade the RUC to play their full part. This is a practical military operation although it will involve some casualties and, most important, stir up Catholic opposition as much as it will satisfy the Protestants. It is difficult to estimate how great the political reaction would be. This must be a political and not a military decision. However, there is one significant military factor. We could only occupy and dominate these areas by an increase in our force levels by three battalions.”

¹ [G14B.86.9.12](#)

² [G14B.86.9.12](#)

³ [G14B.86.9.13](#)

8.81 The following map shows the two areas of the Creggan and the Bogside.



8.82 So far as Northern Ireland as a whole was concerned, General Carver suggested three general options. The first was to maintain low-intensity operations in the hope of assisting political progress, but at the risk of increasing Protestant reaction, which might lead to the formation of a “*third force*” of Protestant paramilitaries, the weakening of Brian Faulkner’s position and the bringing nearer of direct rule. The second was to abandon all hope of political progress with the minority by adopting a “*tough policy*” which might have short-term benefits and strengthen Brian Faulkner’s position, but would be unlikely to eliminate terrorism in the long term and could become a pyrrhic victory within Ireland, within Great Britain and internationally. The third was to continue with the present policy, though removing the restraints on operations motivated by a desire not to disturb current political initiatives, thus allowing intensification of border operations (including the humping and cratering of roads to hamper the surreptitious movement of paramilitaries and their equipment between Northern Ireland and the Republic of Ireland), and “*an*

operation in Londonderry". General Carver concluded by stating that the third of these options seemed to represent, for the time being, the best reconciliation of all the factors that had to be taken into account.¹

¹ [G14B.86.15](#)

8.83

General Carver's reference to the possible formation of a "*third force*" reflected the concerns of United Kingdom officials that the actions (or inactions) of the security forces in Northern Ireland might increase resentment in the Protestant community to such an extent that locally raised bodies would be established as defenders of law and order. The local nature of any such force was central to its appeal, as many unionists continued to lament the replacement of the B Specials, who were responsible to Stormont, by the UDR, which came under the control of the Army and the MoD in London and was at this time perceived by many in the unionist community to be less effective at countering the threat posed by republican paramilitaries.¹

¹ [G16.104](#) United Kingdom Government brief for the Prime Minister for the meeting with the Prime Minister of Northern Ireland, 7th October 1971.

8.84

These frustrations were evident in the weeks before General Carver presented his paper. On 6th September 1971 Dr Ian Paisley addressed a mass rally in Victoria Park, Belfast, where he reportedly appealed for the "*loyal people of the province*" to organise a non-military and non-paramilitary "*civil defence corps*", that would, "*when the crunch came ... offer themselves to a government that would 'chase out the rebels'*".¹ According to the same report in the *Irish Times* newspaper, another speaker, the hard-line Ulster Unionist MP and former Cabinet minister William Craig, called for the reorganisation of the RUC and the return, in modernised form, of the B Specials.² A week later John Taylor, the Minister of State for Home Affairs, publicly spoke of his support for a "*third force*".³ He told this Inquiry that what he meant by this was a legally constituted body under the command of the Northern Ireland Government, which would only be required if the Government would otherwise have insufficient resources to fulfil its obligation to provide law and order in Northern Ireland.⁴

¹ [OS1.473](#)

³ [OS1.418](#)

² [OS1.473](#)

⁴ [Day 196/47-50](#); [Day 196/159-161](#)

8.85

The *Irish Times* of 15th September 1971 reported that following John Taylor's remarks, the Northern Ireland Government issued a statement setting out its policy, with which John Taylor was said to be "*fully in support*". According to the report, the statement set out the position of the United Kingdom Government – that there could be "*no question of raising any additional armed force for the security of Northern Ireland except with their*

agreement and consent” – and noted that the Northern Ireland Government accepted this position “*on the understanding that the security needs of Northern Ireland would be fully met*”. The statement reportedly warned that “*Any encouragement to form a force of any sort other than one lawfully constituted would do the greatest possible damage to the vital interests of Northern Ireland*”.¹ John Taylor told us that he thought that the *Irish Times* report was exaggerated in its account of his discussions with Brian Faulkner on this issue.²

¹ OS 1.421

² Day 196/159-160

- 8.86** None of the proposals of Dr Ian Paisley, William Craig or John Taylor resulted in the establishment of any significant unauthorised body, though in themselves they hardly contributed to the easing of tensions in Northern Ireland.
- 8.87** September 1971 is generally considered to be the month in which the Ulster Defence Association (UDA) emerged from an amalgamation of numerous loyalist vigilante groups in Belfast.¹ Although the organisation was not proscribed until 1992,² elements within it rapidly acquired a reputation for paramilitary activity and acts of sectarian violence.
- ¹ Elliott and Flackes, *Political Directory*, pp474–481; Hennessey, *History of Northern Ireland*, pp201–205; Bew and Gillespie, *Chronology of the Troubles*, pp39–40.
- ² Elliott and Flackes, *Political Directory*, p474.
- 8.88** It appears from the documentary evidence that the GOC, General Tuzo, was at the beginning of October 1971 proposing an operation in Londonderry in two weeks time for which he wanted three extra battalions.¹ This operation did not take place at this time, though, as we discuss below, military operations in Londonderry were increased in early December.

¹ G14C.86.18-19 Memorandum from AUS (GS) (Arthur Hockaday), “Meeting with Northern Ireland Prime Minister”.

The meeting between the British and Northern Irish Prime Ministers on 7th October 1971

- 8.89** On 6th October, the day before the meeting with Brian Faulkner, the GEN 47 Committee considered the approach to be adopted at this meeting. Edward Heath is recorded as saying that a concerted Northern Ireland policy was now needed, with its objects clearly defined in an order of priority, based on the best reconciliation that could be made of conflicting considerations. He expressed the view that Brian Faulkner probably represented the last prospect of maintaining an independent government at Stormont, and that if he fell, direct rule would be a virtual certainty, in the worst case the transfer to

direct rule taking place in a situation where the machinery of administration in Northern Ireland had virtually collapsed. As appears from a briefing note prepared for the Prime Minister by Sir Burke Trend, the Cabinet Secretary, there was an increasing concern in London that direct rule might be accompanied by a “*withdrawal of labour from all forms of public service*”, including the police and civil service.¹ At the GEN 47 meeting Edward Heath was recorded as saying that “*Taking full account of the political dangers of further alienating the minority population in Northern Ireland, and of the risks of strain on our relations with Dublin, he believed that the first priority should be the defeat of the gunmen using military means and that in achieving this we should have to accept whatever political penalties were inevitable*”.²

¹ [G14D.86.23](#)

² [G15.88](#)

8.90

In general discussion those at the meeting recognised that in order to maintain the status quo constitutionally, it was probable that the terrorist problem should be overcome as the first priority, though if the object were to preserve the option of creating a united Ireland sometime in the future, it might be better to seek first for a political solution in which the minority were persuaded to participate in government in Northern Ireland. The meeting considered that if Brian Faulkner could be persuaded to broaden his government to include “*non-militant*” republicans, the support for the terrorist campaign might be undermined by political action, rendering more severe military measures unnecessary, but that there were few signs of an early political solution.¹

¹ [G15.88](#)

8.91

The minutes of this meeting also reveal that the GEN 47 Committee was agreed that three additional Army battalions should be sent to Northern Ireland¹ but recognised that major new military initiatives in the Catholic areas of Belfast and Londonderry would alienate Catholics even further without necessarily defeating the IRA campaign.² The meeting also recognised that despite the difficulty of reaching a political or military solution, the continuation of the present trends might well lead to a situation in which direct rule would prove to be inevitable.³

¹ [G15.90](#)

³ [G15.89](#)

² [G15.88-89](#)

8.92

The perceived need to keep Brian Faulkner in power as the last chance to avoid direct rule seems to us to have caused a shift in priorities towards a greater effort to defeat the terrorists, evident from the record of this meeting. However, either before or during the meeting, at which both General Carver and General Tuzo were present, it seems that the three battalion operation in Londonderry that the latter had proposed earlier in the month

was put off. Instead it was decided in principle that two of the additional three battalions would be sent to Belfast and the other one to the border area, although the GOC was left with discretion with regard to their deployment.

¹ [G15.89](#)

8.93 At the meeting on the following day, 7th October 1971, Brian Faulkner expressed the view that a solution of the security problem was the key to progress elsewhere and that without an immediate breakthrough in dealing with the terrorists, the administration of government would shortly become impossible.¹ What was needed, he said, was “*an increase in the Army presence, an enlargement of the Ulster Defence Regiment (UDR), an offensive by the troops against the terrorists in Belfast and Londonderry, and firmer action on the border*”.²

¹ [G17.120](#)

² [G17.120](#)

8.94 Edward Heath told Brian Faulkner that it would only be possible to retain British public support for the security operations if there was movement towards a political settlement. It was thus essential, he said, “*that any immediate increase in the military effort should be accompanied by parallel political moves*”.¹

¹ [G17.121](#)

8.95 Brian Faulkner stated that his government had made concessions to the minority, and pointed to further proposed changes contained in a draft Green Paper that he hoped to publish following approval by his Cabinet.¹ This draft Green Paper concentrated on reforms to the size and composition of the Northern Ireland Parliament.² However, Reginald Maudling (the United Kingdom Home Secretary) pointed out that many responsible members of the minority would tend largely to dismiss proposals not accompanied by some indication of the willingness of the Northern Ireland Government to move on the central issue of broadening the basis of the government to include minority representatives.³ Brian Faulkner responded by reiterating the position that he had adopted at the tripartite meeting, that he could not contemplate leading or serving in a government of Northern Ireland which included republicans, whether or not (like the SDLP) they eschewed the use of violence in bringing about a unified Ireland.⁴ He dismissed this notion and the possibility of composing an administration on proportional principles as “*unworkable*”. However, he expressed his hope that discussion of the proposed Green Paper would provide an opportunity to air a proposal for a council comprising representatives of minority community interest groups,

such as trade unionists and professional and business organisations. The chairman of such a council might be given a seat in the Cabinet, thereby providing what Brian Faulkner termed a “*permanent and guaranteed share in Government*”.⁵

¹ [G17.121](#)

² Brian Faulkner complained that the publication of the Green Paper had been delayed by the United Kingdom Government's desire to see it emerge from the proposed multi-party talks that the Home Secretary hoped to establish: [G17.121-123](#). At the meeting, it was agreed

that the Northern Ireland Government could go ahead with publication: [G17.123](#); [G18A.136.3](#).

³ [G17.121](#)

⁴ [G17.122](#); [G15A.91.3](#)

⁵ [G17.122](#)

8.96 Edward Heath said that this idea had value, but noted that Brian Faulkner was unwilling to meet the emergency by seeking to form a government that was neutral on the matter of reunification, and repeated that the United Kingdom Government regarded it as essential that tougher security measures should be accompanied by real evidence of determination to proceed with political advance.¹

¹ [G17.122-123](#)

8.97 Later in the meeting Edward Heath stated that it would be necessary to develop further political initiatives in order to sustain the support of British public opinion. To this end, it was agreed that representatives of the two governments would meet at regular intervals – every month at ministerial level, and fortnightly at official level.¹

¹ [G17.130](#)

8.98 The United Kingdom Government was clearly disappointed at the lack of progress on the political front, but nevertheless did agree to the provision of additional security resources, including the despatch of the three additional battalions discussed at the GEN 47 meeting on the previous day. In line with that discussion, the priorities for these troops were decided as: first, an increased effort against terrorists in Belfast; second, the better control of the border; and third, a reassertion of control of all parts of Londonderry. However, the precise method of use of the forces was left to the GOC.¹

¹ [G17.126](#)

8.99 In the event, one additional battalion was sent to Londonderry in December 1971, thereby increasing the force level of 8th Infantry Brigade.¹

¹ [G41.264](#) “Future Military Policy in Londonderry: An Appreciation by the CLF”, 14th December 1971.

Major General Ford's Directive

8.100 On 26th October 1971 the CLF, General Ford, issued to all the Brigade Commanders a Directive concerning the future of internal security operations in Northern Ireland.¹

¹ [G23.165-168](#)

8.101 This Directive was influenced by the line taken at the GEN 47 meeting on 6th October and marked the beginning of the end of the policy of low-key containment in Londonderry instituted by General Tuzo in August. In later years General Tuzo described this low-key policy as “*the major mistake for me*”, since in his view the gesture proved “*quite futile*” and allowed the situation to go from bad to worse.¹ According to General Ford, the fact that it was Chief Superintendent Lagan who was principally responsible for persuading General Tuzo to adopt this policy led the latter to form a low opinion of this police officer and never to trust him again.² General Ford also said that he himself had never been in favour of the policy.³

¹ [L279.1](#) Extract from *Eastern Daily Press*, May 1998;

² [Day 253/51-52](#)

[Day 253/26-27](#) Oral evidence to this Inquiry of General Ford.

³ [Day 253/23-26](#)

8.102 The Directive described the mission to be to restore and maintain law and order throughout each brigade's area, acting in aid of the civil power in conjunction with the RUC. The first priority was stated to be the defeat of the IRA's campaign of violence, and the second to overcome threats to law and order from all other directions, including in particular inter-sectarian violence.¹ The Directive continued:²

“However much the first priority task brings us into conflict with one section of the community, we must retain our sectarian impartiality. Furthermore, we must avoid unnecessary alienation of Roman Catholic opinion because the rejection by the Catholics of IRA violence is an essential ingredient of our ultimate success.”

¹ [G23.165-166](#)

² [G23.166](#)

8.103 So far as 8th Infantry Brigade (the unit covering the Londonderry area) was concerned, the Directive set out certain additional tasks, including the following instruction:¹

“Progressively impose the rule of law on the Creggan and Bogside. Hooligan fringe activity is to be vigorously countered: arrest operations are to continue to be mounted: and normal patrols through IRA dominated areas are to be restarted when considered practicable.

Be prepared to occupy and dominate the Creggan and Bogside, when sufficient forces are provided.”

¹ [G23.166](#)

8.104 In a general conclusion, General Ford stated that:¹

“We should not hesitate to fire whenever events demand it and the law permits. Nevertheless, we must not permit standards of conduct to deteriorate, whatever the provocation. We must ensure that fire discipline is good and discipline generally is of the highest order – particularly now that the rules of engagement themselves are less restrictive – and we must never give an impression of being a repressive Army at war with a large section of the population.”

¹ [G23.167](#)

8.105 When giving oral evidence to this Inquiry, General Ford told us that he was unable to remember why he thought it necessary or desirable to say that they should not hesitate to fire whenever events demanded it and the law permitted.¹ It may be, as he told the journalist Desmond Hamill in an interview in 1984, that he considered that the soldiers on the ground were often operating below the level that the law permitted because any perceived over-reaction was immediately seized on by the media.²

¹ [Day 253/36](#)

² [B1208.003.012](#); [Day 258/34](#)

The Northern Ireland Government’s Green Paper

8.106 On 26th October 1971 the Northern Ireland Government’s Green Paper on parliamentary reform was published and Basil Mclvor, described by Brian Faulkner as a liberal unionist, was appointed as Minister of Community Relations.¹ On the following day Dr Gerard Newe, a respected Catholic community worker who was not attached to any political party, was appointed a Minister of State in the Department of the Prime Minister.² Brian Faulkner told Edward Heath that he saw Dr Newe’s role “*primarily as representing the minority viewpoint at the Cabinet table*”.³

¹ [OS4.93](#) Letter from Brian Faulkner to Edward Heath, 1st November 1971.

³ [OS4.93](#) Letter from Brian Faulkner to Edward Heath, 1st November 1971.

² Bew and Gillespie, *Chronology of the Troubles*, p40.

8.107 Dr Newe was the first Catholic to serve as a minister in the Stormont Government,¹ and he hailed his appointment as evidence that the advocacy of a united Ireland by peaceful means was not inconsistent with holding office in the Stormont Cabinet.² However, it was also significant for what it did not represent. Brian Faulkner had made a personal appointment of a non-party political figure at a time when there was increasing pressure for the abolition of existing structures and the establishment of a system that would allow the representatives of the minority community an active, permanent and guaranteed

place in the government of the Province.³ The Green Paper reforms, which only concerned the legislature and not the executive, did nothing to alter this, and the SDLP and other major nationalist parties remained outside government, and (through their own choice) absent from any all-party forums and initiatives.

¹ McKittrick and McVea, *Making Sense of the Troubles*, p74; ³ [G28A.220.3](#) GEN 47 minutes, 11th November 1971; Hennessey, *History of Northern Ireland*, p187. [G17.120-121](#) Record of a discussion with the Prime

² [G28A.220.3](#) GEN 47 minutes, 11th November 1971.

Minister of Northern Ireland, 10 Downing Street, 7th October 1971; Faulkner, *Memoirs*, pp130–131.

8.108 The reaction of the United Kingdom Home Secretary at the GEN 47 meeting on 29th October was mixed. Reginald Maudling thought that even though the Green Paper and appointment of Dr Newe would have “*brought better results if they had taken place some weeks ago*”, they had “*not been without effect*”. However, he warned that the initiatives did not address “*the main stumbling block*” to political progress. “*Reform of Northern Ireland institutions, to be effective, had to be centred on the structure of central Government; Parliamentary reforms would not be enough.*”¹ The minutes also reveal that steps were continuing to be taken to prepare for the possibility of direct rule.²

¹ [G22C.163.7](#)

² [G22C.163.8](#)

8.109 At this meeting, the Prime Minister announced that GEN 47 would meet more frequently: at least once, and possibly twice, a week.¹ By this stage the meetings of the GEN 47 Committee had already started to become more frequent. Between April and September there had been four meetings. Between October 1971 and January 1972 there were to be 19.²

¹ [G22C.163.6](#)

² [OS4.197-204](#) List of GEN 47 meetings, compiled by the representatives of the Wray family.

Brigadier MacLellan's Directive

8.110 Following General Ford's Directive of 26th October 1971, Brigadier MacLellan, who, as we have already noted, succeeded Brigadier Cowan as 8th Infantry Brigade Commander on 27th October,¹ issued OP Directive 4/71.² This document, dated 10th November, set out the mission, means and methods that 8th Infantry Brigade would implement to bring into effect the CLF's Directive.³ Although the document was distributed under the Brigadier's name, the first draft was compiled by the Brigade Major, Colonel Michael Steele.⁴ The following paragraphs summarise this Directive.

¹ [B1229](#) Statement to the Widgery Inquiry of Brigadier MacLellan.

² [G27.196-218](#)

³ [G23.165-168](#)

⁴ [B1315.1](#) Statement to this Inquiry of Colonel Steele.

8.111 Brigadier MacLellan began by reflecting back on the “*cautious optimism*” about the security situation in Londonderry contained in the previous 8th Infantry Brigade Directive, signed on 2nd July 1971 by Brigadier Cowan. At that time, there had been no shooting attacks against the security forces, it was felt that the hooligan element had been separated from the majority of the community, and the IRA were described as “*quiescent*”. Progress had been made towards stability and normality and “*there were signs that the policy of restraint, which the Security Forces had been following since June 1970, was at last beginning to succeed*”.¹

¹ [G27.196](#)

8.112 Brigadier MacLellan wrote that within two days of the July Directive the situation had changed dramatically. He attributed this to the beginning of what he described as an IRA campaign aimed at disrupting the city and thereby forcing the cancellation of the Apprentice Boys’ Parade. According to Brigadier MacLellan, this culminated in the shooting of Seamus Cusack and Desmond Beattie, described in the paper as rioters who were shot in the “*first ever return of fire in Londonderry*”. Brigadier MacLellan wrote that this “*instantly turned the Catholic community from benevolent support to complete alienation*”. The subsequent introduction of internment led to “*a situation in which the Security Forces were faced by an entirely hostile Catholic community*”. In response, on 20th August 1971, it was decided to lower the military profile in the city, in the hope that moderate opinion would win the day. This, Brigadier MacLellan commented, had “*proved to be a pious hope*”. At the time of writing, “*neither the RUC nor the military have control of the Bogside and Creggan areas, and law and order is not being effectively maintained*”. No routine military patrols took place in those areas, and “*the mob rule of the gun prevails*”.¹

¹ [G27.196-197](#)

8.113 After this overview of the security situation, Brigadier MacLellan briefly noted the general political trends in the Province before turning to an assessment of the Official and Provisional IRA. He reported that there was no evidence of liaison between the Officials (described in the paper as the “*Goulding Group*”) and the Provisionals (the “*Brady Group*”), and that there were reports that the latter would attack the former when the time was ripe. The Provisionals were claiming responsibility for the wave of violence in the city, as part of their policy of “*making Ulster ungovernable*”. There were reports of an influx of “*a good number*” of recruits, and “*no shortage of arms, ammunition or explosives*”. However, it had also been suggested that the “*present rate of attrition by the Security Forces*” was beginning to weaken morale, with some Provisional IRA members believing that their relations with the Catholic community were beginning to deteriorate. The

Officials in Londonderry continued to concentrate on political activities “*with the emphasis on the continuation and proliferation of the civil resistance campaign*”. Although the success of this campaign had heartened the group, there were concerns both about the shortage of arms, ammunition and explosives, and the defection of the younger and more militant members to the Provisionals. Brigadier MacLellan noted the possibility that a more militant line might be adopted by the Officials to halt this flow, and added that it was also the case that the group would take up arms in defence of their own “*liberated*” areas in the event of an “*invasion*” by the security forces.¹

¹ [G27.198](#)

8.114 Brigadier MacLellan concluded his report on these groups by noting that while “*We must assume that the present level of IRA activity will continue for some time*” there was reason to believe that the security forces could continue to weaken the morale and operational ability of the paramilitaries. This, combined with the continued alienation of those in the Catholic community who were “*fed up with the disruption of their lives, with the disorder, and with the gunmen in their midst*”, indicated that “*if the Security Forces can continue to operate at a high level of intensity, and can re-establish control and stability the IRA will be defeated*”.¹

¹ [G27.199](#)

8.115 In terms of Protestant organisations, Brigadier MacLellan wrote that, unlike Belfast, there were no vigilante patrols in the Protestant areas of the city, although a report had been received predicting that 600 people might be available for such groups if a call were made (there being no evidence that it would be). He praised the Orange Order and the Apprentice Boys for their general attitude of patience, restraint and responsibility to the then security situation, adding that there had been no attempt to increase tension by defying the ban on marches.¹

¹ [G27.199](#)

8.116 Turning to his own forces and their role and methods, Brigadier MacLellan defined the mission of 8th Infantry Brigade as being “*to restore and maintain law and order throughout the Brigade area, acting in aid of the civil power in conjunction with the RUC*”. In accordance with General Ford’s Directive, he highlighted and expanded upon the three “*simultaneous and inter-related fronts*” – intelligence, operational and public relations – on which the battle against the IRA was conducted.¹ Of particular relevance to this Inquiry were his comments on the second and third of these matters.

¹ [G27.200](#)

8.117 Under the heading of “*The Operational Front*”, Brigadier MacLellan wrote that: “*Our reaction to any incident of rioting or terrorism must be positive, quick, and effective*”. In response to gunmen, Brigade soldiers “*should not hesitate to return fire whenever events demand it and the law permits*”, and such actions should be followed up by arrests and recovery of bodies and weapons when possible. Hooliganism presented a different set of problems, as the perpetrators were “*particularly youthful, agile, cunning, and fleet of foot, and any arrest manoeuvre which smacks of ponderousness will not catch them*”. Instead, hooligans should be “*dispersed by the minimum use of force, and arrested by the use of imaginative tactics*”. Brigadier MacLellan concluded this section by telling commanders to ensure that the personal standards of conduct of their soldiers did not deteriorate, stressing that “*the soldier must be, and must be seen to be, impartial, humane and courteous*”.¹

¹ [G27.201](#)

8.118 On the public information front, Brigadier MacLellan wrote the following:¹

“In the present situation there must, at times, inevitably be a tendency for our soldiers to become frustrated and angry, and even to regard the entire community of the Bogside and Creggan as supporters, if not actual members, of the IRA. Of course this is not true; it does not automatically follow that because most of them are against the Stormont Government that they actively support the IRA.

Nevertheless, in their desire to see the fall of the Stormont Government they share, to some extent, a common aim with the gunmen and are thus very susceptible to anti-Security Forces propaganda. Our successes against the IRA cannot therefore be seen in isolation and must be balanced against our success in convincing moderate opinion that the defeat of the IRA is in the best interests of the community as a whole.

Our enemies [sic] propaganda machine is both efficient and unscrup[u]lous and is quick to exploit any weakness in our position. It is therefore imperative that we act honourably and, in our relentless pursuit of the IRA, do everything we can to avoid alienating the decent people who are at present being cowed and intimidated by the gunmen and thugs.

We shall defeat the IRA, but if we do not also win the battle on the Public Information Front we shall have gained a Pyrrhic victory. It is vital therefore that not only should the behaviour of troops be impeccable, but also that commanders should exploit every opportunity to gain favourable publicity for our activities.”

¹ [G27.202](#)

8.119 The rest of the Directive set out the concept of different types of operation, the tasks of the specific regiment or battalion areas that comprised the Brigade, and the composition of security committees.¹ In relation to arrest operations, Brigadier MacLellan set out that they were to be continued “*at the highest possible intensity*”, with the aim of conducting “*a never-ending series of small arrest operations and to harass the IRA to such an extent that they do not know where to turn to next for a safe bed for the night*”. On patrolling in the Bogside and Creggan, he wrote that 8th Infantry Brigade intended to start such patrols “*in strength as soon as the Brigade force levels allow*”, which was then predicted to be on 2nd December 1971. These patrols, which would inevitably provoke a hostile response, would be co-ordinated by Brigade HQ, and were intended to re-establish law and order in the Bogside and Creggan. Until then, commanders in the city and Creggan areas were “*to carry out limited patrolling in their areas whenever they can do so from within their own resources*”.²

¹ [G27.203-218](#)

² [G27.202-203](#)

8.120 An annex to the Directive set out the regulations to be deployed in using internal security (IS) weapons. The general overarching principle was that the “*most appropriate weapon is to be used to ensure that the force used is the minimum necessary to achieve the objective of keeping the peace*”. Live-round fire was to be governed by the latest version of the Yellow Card, the purpose and wording of which we consider below. CS Bursting Grenades could be used before small arms if the commander felt that he must open fire to deal with an incident; again the rules laid down in the Yellow Card would have to be observed. CS gas could be employed only if, short of opening fire, there was no other way of dealing with a number of listed situations in which people or property were at risk of being attacked, or (again as a last resort) in dispersing an illegal meeting or demonstration. Water cannons could be used on the orders of a local commander who deemed it necessary in order to achieve control of a crowd or an incident. Baton rounds, which were to be used in preference to CS gas, were best fired in salvos of not less than six rounds, at a range not exceeding 50m, and from a standing position. Normally, the round should be fired into the ground with the intention of bouncing it into the thighs and shins of a crowd; however, it could be fired directly at a target “*if the circumstances warrant it*”. Whenever possible, baton rounds were to be fired in conjunction with the deployment of an arrest squad. Batons, which were hand-held and hence a “*discriminating weapon*”, could be deployed when required in accordance with the doctrine of minimum force. Finally, the use of all IS weapons was to be preceded by a “*clear and timely warning to the crowd*”.¹

¹ [G27.217-218](#)

The Yellow Card

- 8.121 The reference to the Yellow Card was to the (yellow) booklet headed “*Instructions by the Director of Operations for Opening Fire in Northern Ireland*”. It was issued to every soldier serving in Northern Ireland and contained instructions as to when a soldier could use lethal force. The Yellow Card was first issued in September 1969. It was periodically revised and the fourth version (revised in November 1971)¹ was current in January 1972.²

“RESTRICTED

Instructions by the Director of Operations for Opening Fire in Northern Ireland

1. These instructions are for the guidance of Commanders and troops operating collectively or individually. When troops are operating collectively soldiers will only open fire when ordered to do so by the Commander on the spot.

General Rules

2. Never use more force than the minimum necessary to enable you to carry out your duties.

3. Always first try to handle the situation by other means than opening fire. If you have to fire:

a. Fire only aimed shots.

b. Do not fire more rounds than are absolutely necessary to achieve your aim.

4. Your magazine/belt must always be loaded with live ammunition and be fitted to the weapon. Unless you are about to open fire no live round is to be carried in the breech, and the working parts must be forward. Company Commanders and above may, when circumstances in their opinion warrant such action, order weapons to be cocked, with a round in the breech where appropriate, and the safety catch at safe.

5. Automatic fire may be used against identified targets in the same circumstances as single shots if, in the opinion of the Commander on the spot, it is the minimum force required and no other weapon can be employed as effectively. Because automatic fire scatters it is not to be used where persons not using firearms are in, or may be close to, the line of fire.

Warning before firing

6. A warning should be given before you open fire. The only circumstances in which you may open fire without giving warning are described in paras 13 and 14 below.

7. A warning should be as loud as possible, preferably by loud-hailer. It must:

- a. Give clear orders to stop attacking or to halt, as appropriate.
- b. State that fire will be opened if the orders are not obeyed.

You may fire after due warning

8. **Against a person carrying what you can positively identify as a firearm,*** but only if you have reason to think that he is about to use it for offensive purposes

and

he refuses to halt when called upon to do so, and there is no other way of stopping him.

9. **Against a person throwing a petrol bomb** if petrol bomb attacks continue in your area against troops and civilians or against property, if his action **is likely to endanger life.**

10. **Against a person attacking** or destroying property or stealing firearms or explosives, if his action is **likely to endanger life.**

11. Against a person who, though he is not at present attacking has:

- a. in your sight killed or seriously injured a member of the security forces or a person whom it is your duty to protect

and

- b. not halted when called upon to do so and cannot be arrested by any other means.

12. If there is no other way to protect yourself or those whom it is your duty to protect from the danger of being killed or seriously injured.

You may fire without warning

13. Either when hostile firing is taking place in your area, and a warning is impracticable or when any delay could lead to death or serious injury to people whom it is your duty to protect or to yourself; and then only:

- a. against a person using a firearm* against members of the security forces or people whom it is your duty to protect

or

b. against a person carrying a firearm* if you have reason to think he is about to use it for offensive purposes.

14. At a vehicle if the occupants open fire or throw a bomb at you or others whom it is your duty to protect, or are clearly about to do so.

Action by guards and at road blocks/checks

15. Where warnings are called for they should be in the form of specific challenges, as set out in paragraphs 16 and 17.

16. If you have to challenge a person who is acting suspiciously you must do so in a firm, distinct, voice saying **'HALT – HANDS UP.'**

Then

a. If he halts you are to say **'STAND STILL AND KEEP YOUR HANDS UP.'**

b. Ask him why he is there, and if not satisfied call your Commander immediately and hand the person over to him.

17. If the person does not halt at once, you are to challenge again saying **'HALT – HANDS UP'** and, if the person does not halt on your second challenge, you are to cock your weapon, apply the safety catch and shout: **'STAND STILL I AM READY TO FIRE.'**

18. The rules covering the circumstances for opening fire are described in paragraphs 8–14. If the circumstances do not justify opening fire, you will do all you can to stop and detain the person without opening fire.

19. At a road block/check, **you will NOT fire on a vehicle simply because it refused to stop.** If a vehicle does not halt at a road block/check, note its description, make, registration number and direction of travel.

20. In all circumstances where you have challenged and the response is not satisfactory, you will summon your Commander at the first opportunity.

***NOTE: 'Firearm' Includes a grenade, nail bomb or gelignite type bomb.**

Revised November 1971

RESTRICTED"

¹ [G28A.220.2](#) GEN 47 minutes, 11th November 1971;
[KH4.4](#) Written statement to this Inquiry of Edward Heath.

² [ED71.1-2](#)

- 8.122** The contents of the Yellow Card provided guidelines for soldiers but did not have legal force, in the sense that they “*did not define the legal rights and obligations of the forces under statute or common law*”.¹ This meant, among other things, that a soldier firing contrary to the Yellow Card would not necessarily be breaking the law.
- ¹ *R v McLaughton* [1975] NI 203 at 206 per Sir Robert Lowry LCJ.
- 8.123** The GEN 47 Committee approved this version of the Yellow Card on 11th November 1971.¹ In his written statement to this Inquiry, Edward Heath told us that the main changes were to allow soldiers, when authorised by Company Commanders or officers of higher rank, to have their weapons loaded, cocked and with a bullet in the breech, though with the safety catch on; to allow fire to be opened at terrorists in vehicles; and to allow, in the circumstances stipulated, the use of automatic fire against identified targets.²
- ¹ [G28A.220.1-4](#) ² [KH4.4](#)

The GEN 47 meeting on 11th November 1971

- 8.124** At the same GEN 47 meeting the Home Secretary expressed the view that although Brian Faulkner had put forward a number of far-reaching proposals for reform, they did not go to the root of the problem, the essential feature of which was a system in which, for the foreseeable future, every election would result in a unionist government; so that some means must be found of associating the minority in central government itself. He suggested that in response to the terrorist campaigns in the Province it might be necessary to promote the formation of a “*government of national defence and reconstruction*” comprised of “*men of goodwill*” and inevitably including members of the SDLP and the Nationalist Party.¹
- ¹ [G28A.220.3](#)
- 8.125** The meeting considered that a course of action along these lines stood a greater chance of success if the Opposition at Westminster could be associated with it, and reference was made to the forthcoming visit of Harold Wilson (the Opposition leader) to Northern Ireland.¹ Further, it was felt that recent security force operations had provided “*encouraging signs*” that the IRA’s resolution was being broken, and had obviated the danger of a violent Protestant backlash. A dramatic initiative, it was argued, would risk alienating one side or the other, and would make the job of the security forces harder. It was therefore agreed to delay any firm approach to Brian Faulkner until the possibility of an all-party approach had been explored, with the possibility of a re-assessment of the security situation “*at the end of the year*” also being raised.² In the meantime, the

committee requested a comprehensive analysis of “*every line of action that could be taken to deal with the political problem*”.³ This request resulted in a paper⁴ produced by Sir Philip Allen, the Permanent Under Secretary at the Home Office. This paper was discussed at the GEN 47 meeting on 1st December, to which we refer below.⁵

¹ [G28A.220.3](#)

⁴ [G32B.233.7-17](#)

² [G28A.220.3-4](#)

⁵ [G35A.240.3](#)

³ [G28A.220.4](#)

Edward Heath’s Guildhall speech

8.126 On 15th November 1971 Edward Heath made a speech in the City of London Guildhall where he said that Britain had no selfish interest in Northern Ireland and that should the majority of the people there ever wish to join the Republic, they would be free to do so.¹

¹ [KH4.1](#) Statement to this Inquiry of Edward Heath; [G32A.233.4](#) Note of a meeting between Harold Wilson and United Kingdom Government ministers, 22nd November 1971.

The visit of Harold Wilson to Northern Ireland

8.127 Harold Wilson, then Leader of the Opposition, visited Northern Ireland in the middle of November 1971. While there, he had a meeting with General Tuzo, who expressed a degree of optimism on the security front, but said that in Londonderry substantial forces would be necessary to eradicate terrorism and that the Army’s first priority was Belfast.¹

¹ [G30AA.226.1.1-2](#)

8.128 Harold Wilson also spoke to Brigadier MacLellan. According to our interpretation of Brigadier MacLellan’s notes for the meeting, it appears that he told Harold Wilson that the low military profile agreed with the Committee of 30 in August had failed in its object of winning moderate opinion and avoiding alienation, and that the entire Catholic community was now hostile. He went on to say that an occupation of the Bogside and Creggan, which would require troop increases, would be necessary to restore law and order and that this represented the best option both militarily and politically. Although it would be regarded as punitive and repressive, it would enable moderates – who were then cowed, intimidated and fed up – to speak without fear and when the dust settled the majority would be glad.¹

¹ [G30A.226.001-002](#)

8.129 Brian Faulkner, who met Harold Wilson with members of the Northern Ireland Cabinet, drew attention to the reforms that had been made and stated that a coalition government could not include people who wanted to see a change in the constitutional position. His ministers, like the GOC, expressed some optimism about the security situation in the immediately preceding weeks.¹

¹ [G30AC.226.1.5-7](#)

8.130 Among Harold Wilson's other engagements was a meeting with representatives of the SDLP. They were highly critical of United Kingdom Government policy and suggested the suspension of Stormont and its replacement with an appointed commission as a prelude to the reunification of Ireland.¹ Harold Wilson was also told that the SDLP would not be able to "*maintain the confidence of their supporters*" if they entered into talks with the Home Secretary while internment lasted.²

¹ [G30C.226.5-7](#)

² [G30C.226.7](#)

8.131 On his return to London, Harold Wilson discussed his visit with the United Kingdom Prime Minister, the Home Secretary and the Defence Secretary.

¹ [G32A.233.1-6](#)

Further GEN 47 Committee meetings

8.132 There was a GEN 47 meeting on 22nd November 1971, at which the CGS, General Carver, reported on the security situation to the effect that the week's developments continued to give grounds for cautious optimism, that a further large number of men on the wanted list had been arrested and that there were signs that the Provisional IRA were modifying their tactics as a result of successes of the security forces.¹

¹ [G32.232-233](#)

8.133 There were three meetings of GEN 47 over the space of a few days at the end of November 1971. In the first of these, on 26th November, the CGS reported IRA activities as being at a relatively low level, and that across the Province both IRA factions were under pressure and becoming disorganised, to the extent that if the trend continued they would be forced either into a truce or a radical change of tactics. However, in Londonderry the situation was different: "*The IRA could still count on the active support of the Roman Catholic population, and a major military operation here could have widespread political consequences.*"¹

¹ [G34.238](#); [G34A.238.1](#)

8.134 In the second meeting, on 29th November 1971, the CGS reported a sharp increase in violence over the weekend, with 30 shootings and 39 explosions in three days.¹ During this time two civilians working at a customs post, Jimmy O'Neill and Ian Hankin, and an off-duty soldier, Robert Benner, were killed by republican paramilitaries in border areas, while Paul Nicholls of the Scots Guards was fatally wounded while on foot patrol in West Belfast.² The CGS said that the attacks appeared to be a reaction by republican paramilitaries to reports that the Army was getting the better of them.³ The CGS added that the events of the weekend were a reminder of the virtual impossibility of halting the IRA's activity by security measures alone.⁴

¹ [G35.240](#); [G35AA.240.1.1](#)

³ [G35.240](#)

² McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, pp120–121.

⁴ [G35.240](#)

8.135 In the third meeting, on 1st December 1971, the committee discussed Sir Philip Allen's paper on possible courses of action in Northern Ireland,¹ which had been requested at the GEN 47 meeting of 11th November 1971. In his paper, Sir Philip listed and briefly discussed 16 possibilities:²

¹ [G35A.240.3-5](#)

² [G32B.233.7-17](#)

1. Withdrawing the Army

(Withdrawal could either be immediate or after a stated period. It was an option that Sir Philip described as "*an abdication of responsibility which might well result in civil war, and an armed intervention from the Republic*".)

2. No change

(A continuation of the policy of seeking agreement as to ways of ensuring an active, permanent and guaranteed role in government for representatives of the minority community.)

3. Green Paper plus

(The exercise by the United Kingdom Government of pressure on the Northern Ireland Government to implement and then expand upon its Green Paper proposals in order to allow a greater, and guaranteed, role for representatives of the minority community in the administration of Northern Ireland.)

4. Appointment of a Royal Commission

(Sir Philip described this as a “*traditional remedy*”, but it was one that he doubted would be successful.)

5. Blocking devices

(The implementation of provisions within the Northern Ireland Parliament to ensure that some or all Bills would require more than a plain majority to pass.)

6. Coalition

(Although the United Kingdom Government could not force the formation of a coalition government in Northern Ireland, it could call for one, and support that call with economic and political pressure.)

7. Transfer of law and order to Westminster

(Sir Philip wrote that this would remove the “*most ostensible point of disagreement*” between the communities in Northern Ireland, and thereby possibly create an opportunity for co-operation between them.)

8. Government by commission

(The appointment, presumably by the United Kingdom Government, of a commission to govern Northern Ireland. This was a proposal that, Sir Philip said, had been suggested by both the SDLP and the Government of the Irish Republic, at least as an interim measure. It was similar conceptually to the appointed Londonderry Development Commission, which had taken over administration of that city from Londonderry Corporation in 1968–1969.)

9. County Council for Northern Ireland

(By downgrading the constitutional structures in Northern Ireland to make them akin to a county council it was hoped that bi-partisan administration might be encouraged. This step, which would involve transfer of responsibilities from Stormont to Westminster, would be done on the basis that the population and area of Northern Ireland were approximate to those of county councils elsewhere in the United Kingdom.)

10. Redrawing of the border

(The border would be altered with the intention of transferring some predominantly Catholic areas, such as Londonderry, to the Irish Republic, possibly following local plebiscites.)

11. Reversion to the 1920 Act

(In particular, the revival of the concept of a Council of Ireland, which sought to encourage co-operation between the parliaments and governments of Northern Ireland and the Irish Republic. The 1920 Act provided for such a council, but it had never been formally constituted.)

12. Negotiations with Dublin for the reunification of Ireland

("It would theoretically be possible to enter into negotiations with the South for the reunification of Ireland.")

13. A condominium

(One possibility envisaged residents of Northern Ireland registering as either British or Irish and voting in elections to Westminster and the Dáil accordingly. They would also be entitled to vote for an executive council that would administer Northern Ireland, under the guidance of one British and one Irish commissioner.)

14. Policy of hostility to the Republic

(This would be pursued on the basis that *"Many Protestants in the North"* argued that the IRA campaign would not be defeated until full political and economic pressure was exerted by the United Kingdom on the Republic of Ireland, for example by abrogation of trade agreements, immigration controls and measures restricting the civil liberties of citizens of the Republic within Northern Ireland.)

15. Bringing in the United Nations

(Sir Philip gave no indication as to how this would be done.)

16. Direct rule

(Sir Philip wrote that: *"Ministers have already given a good deal of consideration to direct rule and have concluded that it is not a course which they would willingly adopt. It has generally been thought of as an interim measure which would have to be followed sooner*

or later by some other solution ... as a permanent course it really shades off into the solution discussed earlier of combining responsibility at Westminster for the major policies with some kind of county council solution for local issues.”)

8.136 Sir Philip considered the advantages and the (often insurmountable) disadvantages of each of these courses. He indicated that several of the options, notably those involving the withdrawal of the Army, the involvement of the United Nations and negotiations with Dublin on reunification, had been included for the sake of completeness. He also pointed out that some of the initiatives might be combined, and that several would not be possible without an interim period of direct rule.¹

¹ [G32B.233.7-17](#)

8.137 The GEN 47 meeting, which did not adopt any of the options that Sir Philip had discussed, expressed caution over the possibility that major changes in the fundamental policy of the United Kingdom Government on the unification of Ireland and the alignment of the border, as radical alternatives to the status quo, would have a realistic chance of success for the foreseeable future.¹ Ministers considered the respective positions of Brian Faulkner’s government and the SDLP on the question of the representation of the minority in government, and the resulting impasse, and requested that officials prepare a further analysis of the degree to which the present functions of Stormont could be transferred to statutory bodies, on the model of the Housing Authority, which might be so constituted as to embody a formal active role for minority representatives.² The committee also requested, as a secondary requirement, an analysis of the ways in which constitutional assurances could be devised to provide a minority community with a role in government, starting with a study of constitutional devices employed to the same end in other countries with substantial minority populations.³ Summing up the meeting, Edward Heath commented that if the military campaign against the IRA proceeded successfully, the right time for pressing forward with plans for political changes could well be very brief. Although ministers had not decided in favour of direct rule, they did recognise that during this crucial period there might come a point where they would have to run the risk of precipitating a situation in which direct rule became inevitable.⁴

¹ [G35A.240.3-4](#); [G35B.240.6-8](#)

³ [G35A.240.5](#)

² [G35A.240.4-5](#)

⁴ [G35A.240.4](#)

8.138 GEN 47 met again on 13th December 1971.¹ The CGS told the committee that there had been an increase in shootings and nail and petrol bomb incidents in the previous week. However, most of these were not prolonged engagements and much of the increase could be attributed to greater Army activity in Londonderry.² We consider this activity

below. There followed discussions about measures that could be taken to protect off-duty members of the UDR and political figures who were being targeted by the IRA.³ The meeting also considered all-party discussions involving the Opposition, and the possibility and desirability of transferring some powers (notably law and order) from Stormont to Westminster.⁴

¹ [G38.253-255](#); [G38A.255.1-3](#)

² [G38.254](#)

³ [G38.254-255](#)

⁴ [G38A.255.2-3](#)

The end of the containment phase in Londonderry

8.139 The greater Army activity in Londonderry mentioned at this GEN 47 meeting consisted of a series of battalion-strength operations in the Bogside and Creggan areas of the city in early December, with the object of carrying out arrests, searching premises on specific intelligence and clearing barricades.¹ The number of routine patrols in these areas also increased.²

¹ [B1279.004-005](#) Draft statement for the Widgery Inquiry of Brigadier MacLellan; [B1279.029](#) Statement to this Inquiry of Brigadier MacLellan; [B1279.003.001](#) Extract from Desmond Hamill's notes of an interview with Brigadier MacLellan; [G41.264](#) "Future Military Policy in Londonderry: An Appreciation by the CLF", 14th December 1971;

[G125B.836.3-4](#) Memorandum to ADC to CLF, 2nd March 1972; [G116.751](#) "Summary of Events in Londonderry on 30 January 1972", 5th February 1972.

² [G125B.836.5-8](#) Memorandum to ADC to CLF, 2nd March 1972.

8.140 According to Army reports, the reaction to these operations was extremely violent, the soldiers being confronted by large and apparently well-organised hostile crowds, and met with stones and other missiles, including nail bombs and gunfire.¹ Two further such operations were carried out at the end of the month.²

¹ [G37A.252.1](#) HQNI Intelligence Summary, 9th December 1971; [G41.268](#) "Future Military Policy in Londonderry: An Appreciation by the CLF", 14th December 1971; [G116.751](#) "Summary of Events in Londonderry on 30 January 1972", 5th February 1972; [G37B.252.5](#) Joint Intelligence Committee, Special Assessment, 9th December 1971;

[B1279.003.001](#) Extract from Desmond Hamill's notes of an interview with Brigadier MacLellan; [B1279.029](#) Statement to this Inquiry of Brigadier MacLellan.

² [G125B.836.4](#) Memorandum to ADC to CLF, 2nd March 1972.

8.141 This more active and confrontational approach, effectively ending the period of passive containment, resulted from the autumn Directives of General Ford and Brigadier MacLellan and the strengthening of 8th Infantry Brigade by the arrival of 1 CG and 22 Lt AD Regt, which allowed for the necessary force levels to be deployed.¹ These developments had themselves been presaged by the discussions within GEN 47 and between Edward Heath and Brian Faulkner in early October, to which we have already referred.

¹ [G41.264](#) "Future Military Policy in Londonderry: An Appreciation by the CLF", 14th December 1971; [Day 258/63-64](#) Oral evidence to this Inquiry of General Ford; [B1229](#), [B1225](#), [B1279.4](#) Written statement for the Widgery Inquiry of General Ford.

Major General Ford's December 1971 visit to Londonderry

8.142 General Ford visited Londonderry shortly after the operations in early December, and met representatives of the military, the RUC and local community groups.¹ Following his visit he wrote a paper entitled "Future Military Policy for Londonderry: An Appreciation of the Situation by CLF". This document, which was dated 14th December 1971, examined the recent history of operations in the city, considered different courses of action that could be adopted and the advantages and disadvantages of each, and then made recommendations as to which should be implemented.²

¹ [B1208.26](#) Statement to this Inquiry of General Ford;
[Day 253/37-38](#) Oral evidence to this Inquiry of General Ford.

² [G41.263-273](#)

8.143 In terms that echoed those of Brigadier MacClellan's OP Directive 4/71 of 4th November,¹ to which we have already referred, General Ford recounted the change of situation in Londonderry that occurred after the first week of July 1971. Until then, "*significant progress towards normality had been made*" in the city, notably with the RUC establishing static posts in the Creggan and Bogside for the first time in 12 years, allowing them to extend their influence gradually from these positions. However, the "*local IRA campaign*" that began on 4th July, the "*military reaction to the gunmen*", and the subsequent introduction of internment ended this period of optimism, as "*renewed violence on a large scale and the campaign of civil disobedience began*".²

¹ [G27.196](#)

² [G41.263](#)

8.144 General Ford recorded that on 20th August 1971, General Tuzo and Howard Smith (the United Kingdom Representative in Northern Ireland) met with the Committee of 30, the group of moderate and prominent Catholics we have mentioned above. This led to the decision to lower the military profile in the city, initially for about a month, in an attempt to "*maintain the hitherto successful policy of minimum pressure ... in the hope that moderate opinion would win the day*". This meant that there were no routine military patrols, and no military initiatives other than those demanded in response to aggression or for specific search and arrest operations.¹

¹ [G41.263](#)

8.145 Like Brigadier MacLellan in November 1971, General Ford considered that this policy had not achieved its aims. He wrote that none of the expectations for progress raised at the meeting had materialised, while "*neither the RUC nor the military have control of the*

Bogside and Creggan areas, law and order are not being effectively maintained, and the Security Forces now face an entirely hostile Catholic community numbering 33,000 in these two areas alone". During the period of limited military activity an efficient system of alarms, sentries and searchlights had been established by residents of the Bogside and Creggan, meaning that it had become "*almost impossible*" for the Army and RUC to achieve surprise in their operations in the area. Meanwhile, in the period between 4th July and 13th December, the security forces had suffered 22 casualties inflicted by gunmen, seven of them fatal, from 380 confirmed shooting incidents. A total of 1,932 rounds had been fired at them, with 364 in reply, and 1,741lb of explosives had been used in 211 explosions, in addition to a further 180 recorded nail bomb incidents. At the time General Ford wrote, there were 29 barricades in existence, 16 of which were impassable to 1 ton armoured vehicles.¹

¹ [G41.263-264](#)

8.146 General Ford also considered that the "*containment phase*" had allowed "*the extremists to increase their hold on the Catholic community, and to recruit and train more volunteers*". According to General Ford, the security forces had achieved some successes: 68 men had been arrested when internment was introduced, with a further 84 apprehended subsequently; there were 54 claimed instances where a target had been shot, seven of whom were known to have been killed, but as the casualty or the weapon had only been recovered on five occasions these figures could not be fully substantiated. Bearing such uncertainties in mind, General Ford recorded "*our best estimate*" was that there were 1,000 "*activists*", of whom about half could be counted as "*the hooligan element*", half of which again comprised the "*hard core*". IRA strength was thought to be 100, "*of whom at least 40 are active gunmen*". It is not entirely clear whether General Ford counted these as part of the 1,000 "*activists*", although the context of the sentence suggests that this is likely.¹

¹ [G41.264](#)

8.147 General Ford wrote that although the "*containment phase*" was originally intended to last only for "*the order of one month*", it was not until 3rd December 1971 that a significant change of approach occurred. On that date, 8th Infantry Brigade's force level was increased by one battalion, allowing the security forces to pursue a more aggressive policy, carrying out battalion-strength operations in "*the hostile areas*". These included "*recce and fighting patrols in depth and arrest, search and barricade clearance operations*".¹

¹ [G41.263-265](#)

8.148 After considering the recent history of the security situation in Londonderry, General Ford turned to the main purpose of his paper: to recommend the adoption of a course of action to be followed in the city in the future. He prefaced his arguments by noting that it was “*very unlikely*” that moderate leaders of the Catholic community would succeed in overcoming the extremists in the existing circumstances, and hence military action was required “*to establish control and stability and enable the political situation to evolve*”. He then set out what he saw as the three possible options:¹

“Course 1. To revert to the previous policy of containment of the Creggan and Bogside from their periphery but adopt a much more offensive attitude than in previous months.

Course 2. To continue the present policy of undertaking major operations within the Creggan and Bogside but without providing a permanent presence in those areas.

Course 3. To establish, on a permanent basis, a full scale military presence in the Creggan and Bogside.”

¹ [G41.265](#)

8.149 Expanding on the first of these, General Ford wrote that he would envisage “*that operations in the hostile areas are conducted with the minimum forces compatible with safety and the minimum aggravation of the community*”. Such operations would include sniping from the periphery, recce and fighting patrols, and ambush, arrest and search actions “*whenever intelligence justified them*”. Individual operations would be of “*short duration and measured in minutes rather than hours*”, but the policy would not prohibit the establishment of static positions and permanent roadblocks if force levels allowed. General Ford also foresaw “*constant patrolling in the Bogside and to a lesser extent in the Creggan*”.¹

¹ [G41.265](#)

8.150 General Ford considered that the advantages of this course were that it would reduce the tension and pressure felt by the Catholic community in response to large-scale military operations, and that this might assist in turning anti-extremist feeling against the IRA and the “*activists*” instead of towards the Army. The policy would afford some opportunity to the moderate leadership of the community to “*wean the people away from the extremists*”, although General Ford noted that there was “*little evidence*” that this was likely to happen, and that it had not done so in the period from 20th August to

3rd December. In military terms, the policy would not lead to force-level problems, and if a political solution were achieved, the need for a military occupation in the Bogside and Creggan would be avoided.¹

¹ [G41.265-266](#)

8.151 There were, however, numerous disadvantages, according to General Ford's paper. Course 1 would not restore law and order, and would make it difficult to deal with gunmen in the area. The IRA and "*other revolutionary groups*" would be encouraged to increase their influence over the local population, who in turn would be discouraged from submitting to government and providing information to the security forces. Those in the Bogside and Creggan who were "*fed up with the IRA, the hooligans, the hardships of their daily existence and conditions of semi siege*" would not be offered much hope of quick relief. The policy represented a retreat from the current military position and would have a negative effect on morale in the security forces, as well as being unsatisfactory to Stormont and the local Protestant community. General Ford concluded his list of disadvantages with the comment: "*The stalemate continues.*"¹

¹ [G41.266](#)

8.152 In relation to Course 2, General Ford reiterated that this policy was the one then being pursued, consisting of battalion-strength operations of the type listed above in the "*hostile areas*". On average, the operations required a force level of five companies. The advantage of this option was that it had "*broken the stalemate*" and demonstrated the military's ability "*to go in and out of the area at will*". This had led to a "*marked improvement in the morale of the Security Forces*", and had "*mollified the local Protestant 'hard-liners'*", who, General Ford wrote, had "*behaved responsibly in the face of determined explosive attacks against commercial targets and intimidation of their employees*". The policy had brought "*considerable pressure to bear on the gunmen*", and had "*achieved a limited initiative comparatively cheaply*" in terms of force levels, while also testing the reaction of the local community and the troops to large-scale operations. Finally, it had allowed the "*flow of information to restart, albeit with only a trickle at this stage*".¹

¹ [G41.267](#)

8.153 General Ford then listed considerable disadvantages with the policy then being pursued. It had not restored law and order as there was no permanent presence in the Bogside and Creggan. This meant that when the troops withdrew (which they usually did while under pressure from verbal abuse, rioting, nail bombs and sniper fire), the "*hostile areas*" reverted back to "*their state of lawlessness*". Barricades were rebuilt, and when the

security forces returned they encountered “*well organised opposition*”. Due to the “*rapid reaction, numerical strength and aggressive tactics*” of this opposition, baton rounds and CS gas had to be used in large quantities, although the former were ineffective and the latter indiscriminate (causing “*havoc amongst large sections of the community who are not involved, nor intend to be involved in the violence*”). General Ford wrote that in the circumstances, the use of live ammunition “*becomes more likely, particularly when units of platoon strength are assaulted by organised mobs numbered in hundreds*”. This in turn raised “*the question of opening fire on ‘unarmed’ mobs, whose strength lies not in fire-power, but in numbers and brick power*”. The policy had, according to the General, “*served only to aggravate and alienate the Catholic community further*”, without providing the protection required for non-violent moderates to further their influence without fear of intimidation; indeed there were “*indications that the hate, fear and distrust felt by the Catholic community for the Security Forces is deeper now than at any time during the current campaign*”.¹

¹ [G41.268](#)

- 8.154** The final course, the establishment of a permanent military presence and full-scale security coverage in the Creggan and Bogside, offered “*the best, perhaps the only prospect of a quick restoration of law and order*” that would create the conditions in which a political initiative could be attempted with some chance of success. General Ford acknowledged that the initial response of the local community would be hostile, but he thought that this might subside, and while a military presence would never be welcome it was possible that those disaffected by the existing situation might come to regard the Army as “*the lesser of the two evils and cooperate in the destruction of the IRA*”. A permanent presence, he felt, offered the greatest chance of this happening, and would also allow the residents of the Bogside and Creggan “*to see for themselves that the opposition’s propaganda on such matters as brutality are untrue*”. A further benefit was that the local Protestant community would be “*delighted*” by the initiative and would regain confidence in the security forces, which in turn would discourage unilateral action on their part.¹

¹ [G41.269](#)

- 8.155** The first disadvantage of Course 3 listed by General Ford was the level of force required. The military presence would have to be sufficient to restore and maintain law and order, and prevent the troops from “*being submerged by the sheer weight and numbers of a violently hostile community*”. The presence would also have to remain tenable, as the failure of the policy would have serious repercussions across the Province. General Ford

wrote that a detailed assessment had shown that seven battalions would be required, of which five would need to be infantry. There were concerns about how to accommodate the permanent military presence, and about the danger that this initiative would have a detrimental effect on the campaign of the security forces elsewhere in the Province. Beyond these logistical problems, General Ford considered that the policy would be portrayed as “*repressive and punitive*” in republican propaganda, and would have a marked effect on what General Ford described as “*Catholic opinion throughout the world*”, particularly in the Republic of Ireland. Adverse reactions would be expected from the nationalist areas of Belfast, and General Ford noted in particular the possibility that the operation might lead to a rise in support for IRA active service units in Donegal, which in turn could lead to cross-border battles that were unacceptable to the United Kingdom Government. The risk of casualties was high, and “*apart from gunmen or bombers, so called unarmed rioters, possibly teenagers, [are] certain to be shot in the initial phase. Much will be made of the invasion of Derry and the slaughter of the innocent.*”¹

¹ [G41.269-271](#)

- 8.156** In the conclusions to his paper, General Ford wrote that the policy of containment followed from 20th August to 3rd December 1971 had “*produced no apparent beneficial result*”, and had left the Bogside and Creggan “*completely dominated by the extremists*”. As a result, a new initiative was required “*if the present stalemate is to be broken*”. The General had “*no doubt*” that Course 3 was “*the best military solution*”, but the difficulty was that “*the problem is not entirely a military one*”. The political disadvantages of the policy were considerable, not only in terms of the emotive response to an action that would be presented as the repression of one section of the community, but also in the need for further troops, which amounted to a requirement for three additional infantry battalions to be sent to Northern Ireland. These points, and issues concerning the historical and strategic position of Londonderry, led General Ford to conclude that the decision on whether or not to adopt Course 3 was “*entirely a political one*”.¹

¹ [G41.271](#)

- 8.157** General Ford felt that there was “*little military value*” in continuing with the existing Course 2 approach when compared to the antagonism that it created in the community. While some gains could be made, the basic fault of the policy was its temporary nature and its “*harmful effect on those who might otherwise be prepared to forsake the IRA cause*”. The wisdom of continuing in this way was “*in doubt*” unless its replacement with the implementation of Course 3 was imminent. In contrast, the best that he could say about Course 1 was that it “*does not stir the pot unduly in [the] Creggan and the*

Bogside". Although "*some 33,000 citizens of the UK will be allowed to remain in a state of anarchy and revolt*", there was a temptation, especially politically, to adopt this approach until there was a cessation of hostilities elsewhere in the Province. General Ford noted that the containment required "*can certainly be achieved*", and that there would be some limited military benefit accruing from the pressure brought to bear on republican paramilitaries if the offensive aspect of the course was given sufficient emphasis.¹

¹ [G41.272](#)

8.158 In summary, General Ford wrote:

"... although Course 3 is the correct military solution to the problem of restoring law and order in Londonderry, the political drawbacks are so serious that it should not be implemented in the present circumstances, The dangers inherent in persisting with Course 2 are in no way balanced by the limited military gain and the right answer in the present circumstances is to adopt Course 1. In order to avoid comparison with the previous Course 1 which was adopted up to mid November and was too defensive and defeatist in concept, it might be best to call it Course 1½."¹

¹ [G41.272](#)

8.159 Accordingly, General Ford's recommendation was that the "*present policy in Londonderry should be abandoned in favour of Course 1 as described in this appreciation*".¹

¹ [G41.272](#)

8.160 In his oral evidence to this Inquiry, General Ford accepted that his recommendation amounted to a reversion to a less provocative approach by 8th Infantry Brigade in the Creggan and Bogside.¹

¹ [Day 253/42](#)

Reginald Maudling's meeting at Headquarters Northern Ireland

8.161 On the same day as General Ford dated this appreciation (14th December 1971), there was a meeting between the United Kingdom Home Secretary, Reginald Maudling, and the GOC and other senior officers at HQNI Lisburn. General Ford was among those present.¹

¹ [G40.259](#); [G40A.262.1-8](#)

8.162 Among other matters this meeting discussed the situation in Londonderry. The GOC told Reginald Maudling that this remained third on the Army's list of priorities after, respectively, Belfast and the border. However, he said that the position there had reached a point where a choice had to be made between accepting that the Creggan and Bogside were areas where the Army were not able to go, except on specific information, or mounting a major operation requiring a force of six or seven battalions to occupy the area. The Army preferred the first course, but it would entail accepting criticism of allowing "no go" areas.¹ The GOC said that the second course would (according to one note of the meeting) "*involve, at some stage, shooting at unarmed civilians*"² or (according to another note) "*almost certainly*" doing so.³

¹ G40.261; G40A.262.5

³ G40A.262.5

² G40.261

8.163 These phrases could be read, as a matter of language, as meaning that the GOC contemplated that the Army, if undertaking this second course of action, would as part of it fire at unarmed civilians as a matter of deliberate policy in order to clear the Creggan and Bogside. It could equally mean, as a matter of language, that a major operation would be likely to meet with massive resistance where crowds, backed by gunmen, would engage with or try to overrun the soldiers who might have no option but to fire in order to save their lives.

8.164 There is no evidence that the GOC ever had in mind a policy of pre-planned deliberate firing at unarmed civilians as a means of regaining control of the no-go areas, or otherwise. The violence of the previous months had demonstrated the danger to soldiers even during minor operations from gunfire, bombs and hostile crowds, and it was hardly more than common sense to make clear to the politicians that an operation of this kind would be very likely, if not certain, to lead to soldiers firing their weapons and causing casualties among unarmed civilians.

8.165 At this point it is convenient to refer to submissions about the attitude of politicians and the military during the period under discussion.

8.166 Those representing most of the families submitted that in the period preceding Bloody Sunday, "*Within both the military and political establishment there was a lack of respect for human life. The use of lethal force against unarmed civilians was an option considered and discussed with increasing frequency as a legitimate method of law enforcement*"¹ and that with regard to the period after internment and up to December 1971:²

“While the use of a shoot to kill policy against unarmed civilians was not adopted during this period, it was regarded as a legitimate tactic for discussion and consideration within senior military or political circles. At no stage was the use of lethal force against unarmed civilians rejected as a legitimate tactic whether for legal or moral reasons. It is certainly not the case, as Sir Arthur Hockaday stated in the course of his evidence³ that the prevailing culture was one of ‘respect for the law and the doctrine of minimum force’.”

¹ FS1.631

³ Day 271/23

² FS1.659

8.167 The submission was made that it was this attitude, among other things, that led to the use of lethal force by the Army on Bloody Sunday.

¹ FS1.631

8.168 We have found nothing that indicates to us that during the period in question either the political or the military establishments considered that the use of lethal force against unarmed civilians was a legitimate tactic or could be used as a legitimate method of law enforcement. It was appreciated that there was a risk that in certain circumstances the Army might find it necessary to fire on crowds assailing them, but this was in the context of soldiers having to defend themselves, not the result of the carrying out of any plan to shoot unarmed civilians as a method of law enforcement.¹

¹ We consider later in this report (paragraphs 9.102–114) a memorandum written by General Ford in January 1972 (G48.299), in which he stated that he was coming to the view that the only way to deal with the hooligan problem in Londonderry was to shoot selected ringleaders, using rifles adapted to use .22in ammunition and after giving a warning. However, as will be seen, this method of riot control was not adopted and General Ford acknowledged in his memorandum that it would have required authorisation before it could be put into effect. There is nothing to suggest that any such authorisation was sought or would have been forthcoming.

8.169 In the course of these submissions representatives of the families referred to and relied upon General Ford’s appreciation dated 14th December 1971, to which we have referred above.¹ There is to our minds nothing in that paper that suggests the adoption of a shoot-to-kill policy. Nor is it correct, as another of the submissions put it, that General Ford put forward a “desired” military solution and that his paper disclosed “*the tension between the required military solution and the restraints imposed by the political situation*”.² What General Ford did was to put forward what he regarded as the best military solution in the circumstances and recognised that political considerations took precedence. We should add that what General Ford was considering was what could be

done about the situation then existing in Londonderry. He was not at this time concerned about how best to deal with a civil rights march in the city or any riots that might then ensue, matters that we discuss later in this report.³

¹ FS1.657-659

³ Chapter 9

² FS4.24

8.170 At the meeting of 14th December 1971, the Home Secretary appears to have accepted or decided that there should be no major operation to occupy the Creggan and Bogside, even though this was a tacit acknowledgement that there were areas of Londonderry where the Army was not able to operate normally.¹ According to one of the notes of the meeting, it had become clear during the discussions that the Army favoured this policy, which was therefore in line with General Ford's contemporaneous appreciation.²

¹ G40.261; G40A.262.5

² G40.261

General Carver's visit to Northern Ireland

8.171 The CGS, General Carver, visited Northern Ireland in the middle of December 1971. He went to Londonderry on 17th December and was there briefed by Brigadier MacLellan. According to the Brigadier's briefing notes,¹ the CGS was told that the recent operations in the Creggan and Bogside had worried the IRA, but at the cost of increased violence and the further alienation of the Catholic population, which in turn risked pushing popular opinion away from the moderates in the community and towards the IRA.² Adopting the terminology employed by General Ford in his paper of 14th December, Brigadier MacLellan expressed the view that this policy, "*Course 2*", had been successful militarily, but perhaps not politically.³ However, returning to the previous containment policy, "*Course 1*", would demoralise the troops and Protestants.⁴ This left what General Ford had called "*Course 1½*" or "*Course 3*". The former would involve quick arrest operations, intelligence-based searches in the Bogside and possibly the Creggan, and the deployment of reconnaissance platoons, all of which would carry the possibility of small fighting incidents in their aftermath.⁵ Brigadier MacLellan described such a policy as "*difficult*" as it would be hard to avoid harassing the innocent while keeping a "*GRIP ROUND [the] THROAT OF [the] GUILTY*".⁶ "*Course 3*" was a full-scale military operation of the Creggan and Bogside, which would require seven battalions, most of which would be deployed there for "*SOME MONTHS*".⁷ Brigadier MacLellan felt that this was the only chance for demoralising the IRA and restoring law and order to the area, but it would be

regarded as a “*PUNITIVE AND REPRESSIVE*” invasion.⁸ The decision was a matter for political judgement, but delay would mean that the IRA would increase their grip on the area and acquire more arms.⁹

¹ G44A.282.1-3

⁶ G44A.282.2

² G44A.282.1

⁷ G44A.282.2

³ G44A.282.2

⁸ G44A.282.2

⁴ G44A.282.2

⁹ G44A.282.2-3

⁵ G44A.282.2

8.172 On 20th December 1971, General Carver completed a report on his visit to Northern Ireland for Lord Carrington, the Secretary of State for Defence.¹ The central theme of this document was his belief that a window of opportunity was approaching when a political initiative might be put forward with some hope of success. It is notable that his reasoning was based primarily on the situation in Belfast; Londonderry, he wrote, was “*totally different*”.²

¹ G44.281-282; G44.282.1

² G44.282.1

8.173 General Carver felt that the sections of the IRA pursuing terrorist activity in Belfast were now under “*considerable pressure*” due to the combined effects of internment, the actions of the security forces, and the increasing effectiveness of intelligence operations. He argued that the “*time may come very soon when a political move, which the minority could claim as a partial satisfaction of their demands, could tip the scale sufficiently for all those who want an end to tension (which includes a substantial part of the IRA themselves) to put their pressure, also, on the terrorists to call off the campaign*”.¹

¹ G44.281

8.174 General Carver also felt that the timing of such an initiative was good in relation to the majority community. He wrote of an “*apparent acceptance by an increasing element of the Protestants, including an influential number of officers in the RUC, that things cannot just return to the previous state of affairs*”. At least some of the RUC officers were prepared to accept and even advocate that Westminster should take over responsibility for law and order, a move that would have been welcomed by most Catholics, including “*the hierarchy and other influential figures*”. However, the period in which a significant section of the majority community would remain conducive to such reforms was likely to be short; if the tension were to come to an end unexpectedly it would not be long before “*Protestant opinion*” hardened, dissolving the acceptance that change was necessary.¹

¹ G44.281

8.175 These observations led General Carver to urge that “*swift political action*” should not be delayed beyond mid-February 1972, a date towards which the United Kingdom Government should plan unless it became clear that the right moment to proceed had arrived earlier. The initiative would need to be “*effective*”, while not leading to “*an unacceptable Protestant backlash*”, and for this to be achieved it would need to be acceptable to the RUC, to Brian Faulkner (“*but not necessarily to all of his Party*”), to “*the Catholic hierarchy*”, to Gerry Fitt, then leader of the SDLP, and the Taoiseach, Jack Lynch.¹

¹ [G44.281](#)

8.176 General Carver went on to set out the elements that he believed could lead to a successful solution. Law and order would become the responsibility of Westminster, with the GOC assuming control of all security operations, Army and RUC, which were designed to restore the normal processes of law and order. In public administration, as many as possible of the areas in which there were “*inter-sectarian problems*” would become the province of public boards on which minority communities would be fully represented. These boards would be responsible to the Northern Ireland Government, but the methods of election and representation at Stormont would be revised by a “*further commission*” in light of these wider reforms. General Carver recommended that if such a solution did not emerge from inter-party talks then it should be announced, with maximum publicity, as the United Kingdom Government’s proposal at these talks, and one which it was prepared to implement as soon as the principals agreed.¹

¹ [G44.281-282](#)

8.177 In support of the framework that he had outlined, General Carver made additional suggestions for action in specific fields. He felt that the RUC lacked “*leadership and direction*”, and proposed that a Deputy Director of Operations (Police) be selected by the United Kingdom Government as a potential successor to the then Chief Constable, Sir Graham Shillington, adding that if no suitable English, Scottish or Welsh police officer were available, then a general might be appointed. In relation to civil affairs, he drew attention to the practical needs of the civilian population, especially in areas from where the IRA had just been eliminated. He recommended the appointment of Civil Affairs Liaison Officers to each police division of Belfast, whose role it would be to end what General Carver saw as the existing indifference, bureaucracy and even hostility of local and central government to those in the minority community who sought assistance, who would turn to extremists and sectarian organisations if they were not encouraged to deal directly with the proper organs of government. Finally, he warned that a breakdown in the

system of internment, perhaps because of a break-out or a riot, could ruin “*Our whole policy*”. To avoid this, he was convinced that it was necessary for the Northern Ireland Government to employ an Inspector or Director of Internment.¹

¹ [G44.282-282.1](#)

8.178 In the final three paragraphs of his paper, General Carver addressed the situation outside Belfast. He recommended the continuation of the present policy in relation to the border: “*maintaining a non-provocative attitude, but a fairly frequent presence, achieves about the right balance.*”¹ He wrote that intelligence gathering outside Belfast was “*virtually non-existent*”, although he hoped that it could be considerably improved if his proposals on future responsibility for law and order were accepted.² In relation to Londonderry, his entire paragraph is reproduced below:³

“The situation here is totally different to that in Belfast. The Bogside and Creggan are no-go areas. To change this would need a major military operation which would demand large numbers of troops, incur a high level of casualties and inflame the situation not only in Londonderry itself, but in this whole of Northern Ireland and particularly in the Republic. To attempt such an operation either in the near future or soon after making a proposal on the lines of that [outlined earlier in the paper] would wreck any chance of such a proposal succeeding. It is clear that the only policy we can sensibly pursue in Londonderry is to maintain a level of military activity which maintains the morale of the Protestants and of our own soldiers, without provoking the Catholic population to an extent which causes us severe casualties, further antagonises them and brings no dividends. Our recent increased activity has tended in this direction and I recommend, as does the GOC and the Brigade Commander, that we adopt a policy of rather less provocative activity than of recent weeks, although higher than the ‘low profile’ attitude adopted in September and October.”

¹ [G44.282.1](#)

³ [G44.282.1](#)

² [G44.282.1](#)

8.179 General Carver’s recommendation, which he said was also that of General Tuzo and Brigadier MacLellan, was effectively the “*Course 1½*” outlined and supported by General Ford in his paper of 14th December on future military policy in Londonderry.¹

¹ [G41.263-273](#)

Meeting of the Ministry of Defence's Northern Ireland Policy Group

8.180 General Carver's views on a possible solution were repeated at a meeting of the MoD's Northern Ireland Policy Group on 22nd December 1971 at which Lord Carrington, the Secretary of State for Defence, was present.¹ At this meeting the CGS said that he thought that they should aim at some political initiative about February 1972, when he judged that the security situation would be just right for it.

¹ [G44B.282.4-9](#); [KH9.48-53](#)

² [G44B.282.4](#); [KH9.48](#)

8.181 Lord Carrington considered that there was a choice between an initiative of the kind envisaged by the CGS and waiting in the hope that the Home Secretary's inter-party talks might produce a likely solution.¹ The meeting appears to have agreed with the CGS that there would be a window of time when action along the lines envisaged would be opportune, so that it was important that the United Kingdom Government should be ready with appropriate proposals, including a replacement for the existing Stormont system of administration. It was also important to have the support of the RUC and of the senior Northern Ireland civil servants for any imposed solution.²

¹ [KH9.49](#)

² [KH9.49-50](#)

8.182 The meeting clearly appreciated that, as a matter of departmental responsibilities, it was really for the Home Office rather than the MoD to put forward possible political solutions.¹ However, in his summing up, Lord Carrington expressed a desire to raise the matter soon at a GEN 47 meeting and suggested that the department draw up a "*general paper*" emphasising the importance of timing.²

¹ [KH9.49-50](#)

² [KH9.50](#)

8.183 The point was made at the meeting that, whatever solution was reached, it would be necessary to look at the position of Londonderry separately: "*the revival of community and commercial life there would only be possible with the support of the Dublin Government and of the Roman Catholic hierarchy. There was no incentive for the IRA to give up its position there since its control of the Bogside and Creggan areas was based not on physical intimidation but on its generally good administration so that it was the Army which was seen as the cause of any trouble.*" It seems clearly to have been

common ground that any attempt by the Army to take over control of the remainder of Londonderry would involve a fight against the people and “*would set back hopes of a political solution*”.¹

¹ [KH9.49-50](#)

8.184 The contemporary documents¹ show that at or very soon after this meeting Lord Carrington accepted the advice of the CGS and the GOC that so far as Londonderry was concerned, the Army should adopt a policy rather less provocative than in recent weeks, though higher than the low profile adopted during September and October. This was an acceptance of “*Course 1½*” that General Ford had advocated in his paper of 14th December 1971² and which Brigadier MacLellan had outlined to the CGS a few days later.³

¹ [G45A.285.7](#) Extract from a brief for the Secretary of State for Defence, 31st December 1971; [G45AA.285.19-21](#) Draft paper for the Secretary of State to present to GEN 47, 23rd December 1971; [G46.287](#) Minutes of the Official Committee on Northern Ireland, 5th January 1972.

² [G41.263-273](#)

³ [G44A.282.1-3](#)

Edward Heath’s visit to Londonderry

8.185 On 23rd December 1971 Edward Heath briefly visited Londonderry, and described in his autobiography the situation there as “*critical*”.¹

¹ Edward Heath, *The Course of My Life: My Autobiography*, London: Hodder and Stoughton, 1998, p434; [KH4.5](#) Written statement to this Inquiry of Edward Heath.

Proposals for a political initiative

8.186 Also on the 23rd December 1971, Sir Philip Allen wrote a note on constitutional devices to protect the minority. After studying various arrangements made in other countries, he concluded that the only model suitable for Northern Ireland was the provision of guaranteed places for the representatives of the minority community within the executive body of a reformed government. Sir Philip Allen acknowledged that an arrangement of this kind would not emerge unprompted from discussions between the Northern Irish parties, and that Brian Faulkner had made it clear that such a system was unacceptable to him. However, he believed that there were circumstances in which the scheme might be tolerated as a solution imposed from Westminster.¹

¹ [G44B.282.15-16](#)

8.187 During the closing days of 1971, officials within the MoD sought to take forward the idea of a political initiative. Acting on Lord Carrington's request at the Northern Ireland Policy Group meeting on 22nd December, Arthur Hockaday, the Assistant Under Secretary (General Staff), and Colonel Henry Dalzell-Payne, head of MO4 (the section of the General Staff dealing with Northern Ireland), prepared a draft paper for presentation at GEN 47.¹ Lord Carrington felt that he could not submit this under his name, presumably because he thought that it encroached too much on the territory of the Home Secretary and his department.² Instead, he decided to rely on the paper as a speaking brief, and as a result it was modified and re-submitted by Arthur Hockaday on 31st December 1971.³

¹ [G45AA.285.20-24](#)

³ [G45A.285.1](#); [G45A.285.6-16](#)

² [G45AA.285.19](#)

8.188 Under the heading "*Opportunity for political initiative*", Arthur Hockaday wrote:¹

"Given that the maintenance of pressure in Belfast is having a considerable effect upon the IRA we may, before very long (say within the next two months), reach a point at which, if both the leaders of the Northern Ireland minority (in particular the Roman Catholic hierarchy and Mr Fitt) and the Dublin Government can publicly recognise a political formula as acceptable in providing an active, permanent, and guaranteed role in public life for the minority community, those who want an end to tension (and this may include a substantial part of the IRA itself) will be able to put pressure on the terrorists to call off the campaign. If such a formula included satisfactory reassurances regarding the status of Northern Ireland within the United Kingdom, an increasing element of the Protestants (including a number of influential people in the RUC and the Civil Service) might be prepared to accept that there cannot be simply a return to the previous state of affairs. However, the period of time during which both these trends might be propitious for a political initiative could be short – if the level of violence is seen to drop dramatically there must be a risk that Protestant opinion will soon harden again."

¹ [G45A.285.8](#)

8.189 Arthur Hockaday suggested to Lord Carrington that he might wish to urge his colleagues to consider how they might best exploit “*any fleeting but uniquely favourable opportunity of this kind*”.¹ To this end, he set out a “*range of possibilities for a political initiative designed to clear the way forward*”.² Starting with “*the least radical*”, these were:³

a. The transfer to the GOC of operational control of the RUC for security operations (as in August–October 1969).

b. As at a., plus some modification of the Stormont structure in the direction of proportional representation, ‘community’ or coalition government, and blocking provisions, but no change in the powers of the Northern Ireland Parliament and Government ...

c. With greater or less modification of the structure of Stormont, transfer to Westminster of responsibility for the whole apparatus of law and order comprising not only security operations but complete responsibility for the RUC, the prison services, the internment policy, and the administration of justice.

d. Direct rule.”

¹ G45A.285.8

³ G45A.285.9

² G45A.285.9

8.190 In addition to the speaking brief, Arthur Hockaday also prepared a draft minute for Lord Carrington to consider sending to Edward Heath and other members of GEN 47. This was intended to encourage the Prime Minister to call an early meeting of the committee, as Lord Carrington was due to travel abroad on 7th January 1972.¹ It included the following passage:²

“It is, I suggest, important that we should take stock soon of the progress of the Army’s operations against the IRA and of how we expect the situation to develop. There is every reason for satisfaction with the amount of pressure which the Army is now exerting on the terrorists; but it is becoming increasingly clear that there is a distinct limit to how far the terrorists can be rendered ineffective – and, in particular, can be isolated from the Catholic community as a whole, which is crucially important – by military means alone. I am not suggesting that the moment for trying fresh lines of approach has arrived now, but I believe that – at the present rate of attrition on the IRA – it may be reached quite soon: and that, when it is, we shall need to be absolutely ready to take prompt advantage of it if we are to retain the initiative.”

¹ G45A.285.2-4

² G45A.285.4

- 8.191 In his written evidence to this Inquiry, Arthur Hockaday gave his recollections about this period:¹

“I believe that my feeling at the time was that, whereas the CGS had usefully highlighted the potential for a political initiative, the opportunity was beginning to slip away from us with perhaps insufficient energy being committed to it. There would have been a lot of work to be done on this kind of a political initiative, and all the time we were, to an extent, trespassing on Home Office turf in the sense that they took the lead on political aspects of the situation in Northern Ireland. This submission was an attempt to give added impetus to the move towards the political initiative...”

¹ [KH9.83](#)

- 8.192 Subsequent meetings of GEN 47 and the discussions within Whitehall about the “*window of opportunity*” for a political initiative are discussed at relevant points later in this report.¹

¹ [Chapter 9](#)

The resumption of marches

- 8.193 During early December 1971 a debate was conducted within NICRA which led to the decision to “*return to the streets*” unless the United Kingdom Government acceded to a number of demands.¹ Kevin Boyle, then NICRA’s press officer, told this Inquiry that the decision reflected a feeling that the rent and rates strike and other forms of civil disobedience were not having the desired effect, and something more was needed.² NICRA’s demands were set out at a Belfast press conference in mid-December, where the organisation called for an immediate end to internment, the withdrawal of troops from “*anti-Unionist*” areas, the abolition of the Special Powers Act and the introduction of laws showing that the United Kingdom Government would not stand in the way of peaceful constitutional progress towards a united Ireland. NICRA warned that a negative response would result in an escalation of the civil disobedience campaign, including the resumption in the New Year of organised protest marches, which had not taken place for many months.³

¹ [G42A.277.3](#) HQNI Intelligence Summary, 16th December 1971; [KB2.23](#) Interview given by Kevin Boyle to John Barry of the *Sunday Times*, 1972. ² [KB2.12](#); [Day 123/119-120](#) ³ [GEN5.24-25](#)

8.194 Other activists did not wait that long and instead organised a march on Christmas Day, starting from the Falls Road–Beechmount Avenue junction in West Belfast. The intention was to walk along the M1 motorway to the Long Kesh Internment Camp, but the procession was halted by security barriers placed across the road after about four miles. Following a sit-down protest, the marchers, who included Bernadette Devlin and at least one other MP, retraced their steps without serious incident.¹

¹ [AM77.45](#) Extract from McCann, *War in an Irish Town*; [G44C.282.11](#) HQNI Intelligence Summary, 23rd December 1971; [G45AA.285.1.2-3](#) HQNI Intelligence Summary, 30th December 1971; [G47.295](#), [G47.290](#) Minutes of meeting of the JSC, 6th January 1972; [G47A.298.8](#) Special Branch Assessment for the period 16th December 1971 to 4th January 1972.

Chapter 9: The weeks before Bloody Sunday

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The gravity of civil disorder in Londonderry by the end of 1971 and in early 1972

- 9.1** The plans made by the Army and by the RUC to deal with the march on 30th January 1972, as well as the acts and decisions of members of the security forces on that day, must be considered in the context of the security situation at that time.
- 9.2** The Inquiry has had access to Army Intelligence Summaries (IntSums), the minutes of meetings of the Director of Operations Intelligence Committee (Northern Ireland), the assessments compiled by RUC Special Branch and other memoranda compiled by members of the security forces which, taken together, provide a comprehensive picture of the security situation in early 1972, as it was seen from the point of view of the security forces.
- 9.3** Every week the staff officer at 8th Infantry Brigade responsible for Intelligence and Security, a captain to whom we allocated the Inquiry cipher Captain INQ 1803, compiled an Intelligence Summary (IntSum), which provided brief details of the paramilitary and criminal activity, protests, marches and other events of interest to the security forces that had occurred in the 8th Infantry Brigade area during the preceding week. The Inquiry has seen the IntSums relating to the weeks leading up to 30th January 1972.
- 9.4** IntSums were also compiled weekly at Headquarters Northern Ireland (HQNI) by Major INQ 2555. These IntSums covered events throughout Northern Ireland and so inevitably recorded incidents in Londonderry in somewhat less depth than did the IntSums compiled at 8th Infantry Brigade.

9.5 The following extracts from IntSums produced for HQNI in December 1971 set out details of the situation in Londonderry during that month:

HQNI IntSum 48/71, 2nd December 1971:¹

“4. In Londonderry there has been an escalation of IRA activity with 13 well executed bomb attacks on shops, offices, a library and a telephone exchange. There have also been a number of shooting incidents but these have caused no casualties and two gunmen are believed to have been shot by the Army. On three days there have been minor disorders caused by young hooligans.”

¹ [G36AA.247.1](#)

HQNI IntSum 49/71, 9th December 1971:¹

“3. In Londonderry there has been an increase in shooting incidents and the reaction to search operations has become more intense, especially in the Creggan, where a vicious and well prepared crowd violently opposed the action of the security forces. On 6 Dec 71 five gunmen were seen among a crowd of 200 who resisted a security force search operation. On the same day three gunmen and a petrol bomber were shot, and five carbines and a rifle were recovered from one house. On 5 Dec 71 a soldier was seriously injured by a nail bomb during rioting in the Rossville Street area. The home of the Lord Lieutenant of Londonderry was badly damaged by a bomb on 3 Dec 71. Hooligans continue to play their part in Londonderry and are active almost every day.”

¹ [G37A.252.1](#)

HQNI IntSum 50/71, 16th December 1971:¹

“5. In Londonderry the terrorist activity has been mainly reaction to search and arrest operations in Republican areas. The shootings have resulted in no Army casualties but 11 gunmen are believed to have been hit by return fire. There has been only one bomb attack, and in this the device did not explode, but people living in the Bogside and Creggan areas have been warned to keep out of the City centre from 18 Dec 71. This date, the traditional Protestant ‘Lundy Day’, is expected to see a renewal of explosive attacks in the City.”

¹ [G42A.277.1-2](#)

HQNI IntSum 51/71, 23rd December 1971:¹

“3. In Londonderry shootings have again been a daily occurrence. No military casualties have been incurred but a woman bystander received serious wounds from terrorist fire on Sat 18 Dec 71, and one gunman is believed to have been hit on the same day. The City had a bomb free week until Tue 21 Dec 71 when six attacks were made in the City causing damage and starting a fire. There were two bomb attacks on the following day. The traditional Lundy Day celebrations were held in a non-controversial area of the City on Sat 18 Dec 71 and passed off uneventfully: only 200 people attended the burning of Lundy’s effigy.”

¹ [G44C.282.10](#)

HQNI IntSum 52/71, 30th December 1971:¹

“3. In Londonderry a search operation on 28 Dec 71 produced violent reaction and there have been two days of shooting and rioting after a fairly quiet start to the week. Five arrests were made on 28 Dec 71 and some nail bombs were found. On 29 Dec 71 a soldier of 22 Lt AD Regt RA was killed by a sniper while on patrol in the City.”

¹ [G45AA.285.1.1](#)

- 9.6** The soldier killed was Gunner Ham of 22nd Light Air Defence Regiment, Royal Artillery (22 Lt AD Regt), who was mortally wounded by sniper fire from the roof of a building in Bishop Street while patrolling waste ground near the Foyle Road.¹

¹ McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, p135.

- 9.7** Despite the optimism of the Chief of the General Staff (CGS) and the Army about the security situation across the Province, December 1971 saw 39 deaths in Northern Ireland linked to the Troubles. Fifteen of these occurred in the bombing of McGurk’s Bar in North Belfast, the biggest single loss of life in the modern Troubles until the Omagh bombing of 1998. The security forces initially ascribed the explosion to the premature detonation of an IRA device, but it later became clear that the bombing had been deliberately carried out by loyalist paramilitaries. Seven other civilians were killed during or shortly after other bombing incidents in Belfast, including four people, two of them infants, who died when a device was detonated without warning in a furniture showroom on the Shankill Road. It is widely believed that the attack was carried out by paramilitary republicans in response to the McGurk bombing. Two further civilians were shot dead by British servicemen in disputed circumstances, and another was killed by republican paramilitaries who had opened fire on Army vehicles. A further civilian, shot on 27th November 1971 when republican

paramilitaries fired on a police patrol, died on 1st December 1971. Three members of the Ulster Defence Regiment (UDR), and one former member, were shot dead apparently by paramilitary republicans, as were two Army soldiers in addition to Gunner Ham.

- 9.8** Five Provisional IRA volunteers were killed during the month: one was shot by the Army, the others were killed in apparent accidents, including three men who died when a bomb exploded prematurely as they drove through Magherafelt, County Londonderry. A unionist senator was killed by the Official IRA in what was described as the first political assassination in Northern Ireland since 1922. Most of these deaths occurred in Belfast, but five took place in Tyrone, and four in the city or county of Londonderry. Another man, described in *Lost Lives*¹ as a veteran IRA man, died as he mixed explosives in Dublin.

¹ McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, p135.

- 9.9** The escalation of violence since the introduction of internment was striking. As Professor Paul Arthur (one of the historical experts engaged by the Inquiry) pointed out, in the six months preceding August 1971 there were 288 explosions; in the succeeding six months this increased three-fold. In the same two periods, shooting incidents multiplied six-fold, security forces deaths four-fold and civilian deaths eight-fold respectively.¹ According to the records in *Lost Lives* there were 32 deaths related to the Troubles in the period between 1st January and 8th August 1971. Between 9th August and 31st December 1971 there were 148.

¹ [E6.0045](#)

- 9.10** Reference has been made earlier in this report¹ to the paper entitled “Future Military Policy for Londonderry: an Appreciation of the Situation by CLF”, written by General Ford on 14th December 1971, in which he summarised the security situation at that time.²

¹ [Paragraphs 8.142–160](#)

² [G41.263-273](#)

- 9.11** There was an intelligence assessment for the period from 21st December 1971 to 3rd January 1972, which was submitted to the Director of Operations Intelligence Committee (Northern Ireland) and considered at the meeting of that committee on 3rd January 1972. This committee is described in more detail below. The assessment included the following paragraph:¹

“Londonderry. The city was very quiet in the week preceding Christmas, apart from a series of five explosions within a 10-minute period on 21 December: three garages were among the targets, but there were no casualties. Security force search and

arrest operations since the holiday have met mixed reactions. On the morning of 28 December troops were harassed and stoned by crowds during a search in the Bogside, and came under fire on 11 occasions during the day: shooting continued on 29 December and a soldier on foot patrol was killed by sniper fire. A search operation, also in the Bogside, on 30 December met with little reaction, although there was rioting in the district, and also on the Brandywell Estate later in the day. On 30/31 December armed and masked men raided the offices of the Northern Ireland Housing Authority, and the local Gas Board, and took files and record cards that were later burnt in the Creggan Estate. Two shops were damaged in explosions on 31 December, and during the weekend 1/2 January there were a number of nail bomb attacks on security forces.”

¹ [G45B.285.1.8](#)

- 9.12** A schedule of incidents for the fortnight ending 5th January 1972 was presented to the Joint Intelligence Committee on 6th January 1972. The schedule recorded that in Londonderry in that fortnight there had been eight incidents in which shots were fired by paramilitaries, in one of which a soldier had been killed, 14 incidents involving nail bombs and eight incidents involving other types of bomb or explosions.¹

¹ [G47A.298.10](#)

- 9.13** On 10th January 1972 a further meeting was held at HQNI of the Director of Operations Intelligence Committee (Northern Ireland). An intelligence assessment for the week ending 10th January was submitted to it. The assessment included the following paragraphs:¹

“7. Londonderry. Although the city has had a quiet week the general hardening of the situation there has continued with a continued gradual encroachment of violence from the Bogside into the Waterloo Place/Strand Road area. Both factions of the IRA claimed responsibility for an incident on 5 January in which a soldier was injured by automatic fire, and on 6 January shortly after shots were fired at an armed vigilante, a 14-year-old youth was admitted to hospital suffering from gunshot wounds in the foot. In shooting incidents at the weekend one gunman was seen to fall. On several occasions in the week security forces have been stoned and bottled by small groups of youths, and on 9 January a disused house and a paint store were set on fire by a mob of youths.

...

14. The Brady [ie Provisional] IRA in Londonderry ... have begun a campaign, aimed at destroying the business centre of the city. There have recently been a small number of explosions in shops and other business premises in the Waterloo Place/ Strand Road area which may form part of this campaign..."

¹ [G50A.309.4-6](#)

- 9.14** 8th Infantry Brigade's IntSum 99,¹ which covered the period from 5th to 11th January 1972, recorded that there had been in that time 24 confirmed shooting incidents and 17 unconfirmed shooting incidents in the Brigade area. Four arson attacks had been committed; nail bombs and bomb-making equipment had been found at an address in the Creggan. Weekend rioting was reported; the crowd had reached 120 and the rioting had been accompanied by nail bombing and a series of shooting incidents.

¹ [G51.310](#)

- 9.15** Under "*Outlook*" the IntSum recorded:¹

"17. The IRA will continue to strengthen their hold on the Bogside and Creggan, particularly the latter. Security Forces operations in these areas will continue to produce violent reaction, but otherwise terrorist activity is not likely to show any significant change in tactics nor escalation during the coming week. The IRA, the Official group more so than the Provisionals, are likely to continue to think up now [sic] methods of creating good publicity by relatively easy attacks against authority.

18. ... Elsewhere in the counties the civil resistance campaign can be expected to be reflected in a series of protest meetings. Similar meetings, possibly accompanied by attempts to defy the ban on marches, are likely in the City."

¹ [G51.314](#)

- 9.16** The Director of Operations Intelligence Committee (Northern Ireland) met again on 17th January 1972. The committee considered an intelligence assessment covering the period from 11th to 17th January. The assessment recorded:¹

"8. Londonderry. Six gunmen have been killed or wounded by security forces during the week. In one incident on 12 January shots were fired at a helicopter flying over the city cemetery. Five gunmen carrying Thompson SMGs [sub-machine guns] were seen and engaged by troops on the ground, and four of them were hit: two bodies were dragged away before security forces could follow up. Both factions of the IRA subsequently claimed to have acted jointly in this incident, and denied suffering any

casualties. In the only explosive attack of the week a car showroom in the city centre was demolished. Outbreaks of street unrest have occurred in the usual pattern during the week, and at the weekend a crowd of about 200 that stoned and bottled security forces, was dispersed with the use of CS gas and baton rounds. On 16 January security forces came under fire on eight occasions in the Bogside.”

¹ [G60B.367.6](#)

9.17 The HQNI IntSum for the week ending 19th January 1972 (3/72) recorded:¹

“In Londonderry the traditional hooliganism and rioting have continued and nail and blast bombs have been used by the rioters. Shooting incidents have occurred daily: there have been no military casualties but five gunmen are believed to have been hit. Four bomb attacks have been made, on a transformer and three commercial premises, but there have been no notable terrorist successes. The Goulding faction have tried to make some capital out of their capture of a soldier on leave in the city: the Brady group described his subsequent release, unharmed, as ‘diabolical!’ In five of the nail bomb incidents of the week a grenade launcher of some sort has been used by the rioters – ranges of from 75 to 200 metres have been achieved but three out of the five projectiles exploded harmlessly in mid trajectory.”

¹ [G67.412](#)

9.18 On 19th January 1972 8th Infantry Brigade’s IntSum 100,¹ which dealt with events in the Brigade area from 12th to 18th January, was distributed. It recorded that there had been 28 confirmed and 16 unconfirmed shooting incidents in this period. The information within the IntSum was more detailed than that which appears in the Director of Operations Intelligence Committee’s assessment for the same period. The IntSum contained additional information about the incident on 12th January, reported in the assessment, in which a helicopter came under fire. A gunman was spotted, a military patrol deployed and a gun battle ensued in which the security forces fired 49 rounds and paramilitaries approximately 100. It was recorded that the Army believed that four gunmen were hit and a fifth was shot later the same day. According to the summary, press reports suggested that both the Provisional and the Official IRA were involved in the battle. It was also recorded that the Army believed that up to nine gunmen had been shot by soldiers during the week, five of them on 12th January. None of the civilian casualties was confirmed. There had been two explosions (one destroying premises in the Strand Road) and three

arson attacks. Six explosive devices had been fired by some sort of launcher in five separate incidents. Under the heading "*Hooliganism/Street disorders*" the following appeared:

"During the week, the familiar pattern of rioting continued, mainly along the William Street line, and again the rioting was accompanied by nail bombings and occasionally by shooting incidents..."

¹ [G61.369](#)

9.19 Under "*Outlook*" it was recorded that:¹

"The basic threat of terrorist activity remains unchanged. However, the longer the period since a notable terrorist success, such as the shooting of a soldier or policeman, the more danger there is of such an event occurring."

¹ [G61.372](#)

9.20 The Special Branch assessment for the period ending 19th January 1972 recorded:¹

"Rioting and hooliganism has been a week-end feature in Londonderry where community feeling continues to run high against the Army. Throughout the period the terrorist elements and particularly the gunmen, have been active, shooting at the Army on several occasions. This activity is believed to have been sponsored jointly by both I.R.A. groups in the city. The apparent strategic policy of the I.R.A. in Londonderry is to continue alternating destruction by explosives and arson in a creeping infringement in towards the City Centre. Buildings previously severely damaged are set on fire, so spreading the area of destruction, buildings vacated as a result of these fires are later attacked with explosives."

¹ [G64.383](#)

9.21 The Schedule of Incidents for the week ending 19th January 1972, which accompanied the Special Branch assessment, included reports relating to Londonderry of 11 incidents involving civilian gunmen, six arson attacks (including ones in which bombs or petrol bombs were used) and seven instances in which nail bombs were thrown.¹

¹ [G65.391](#)

9.22 The Joint Security Committee (JSC) met on 20th January 1972 at Stormont Castle. The General Officer Commanding (GOC) Northern Ireland attended that meeting. The committee considered the Special Branch assessment and noted:¹

“Hooligan activity in Londonderry was a continuing worry. The GOC said the Army were dealing with the problem as best they could employing a variety of tactics within the constraints of the law. Their operations in the city against the IRA had been very successful of late – 50 gunmen killed or injured during the last 2½ months – and they would aim to maintain this rate of attrition.”

¹ [G63.377](#)

9.23

On 25th January, 8th Infantry Brigade IntSum 101¹ recorded 23 confirmed and four unconfirmed shooting incidents in Londonderry in the period between 19th and 25th January, with automatic weapons being used on eight targets during the period, and 35 blast-type bombs. The following paragraph also appeared in IntSum 101:²

“Hooliganism/Street Disorder. The familiar pattern of street disorders continued during the week, reaching a peak on Saturday afternoon. In the William St area on Saturday afternoon alone, there were eleven incidents in which crowds of about 40 hardcore hooligans had to be dispersed after rioting in the area. These youths were also connected with a number of shooting and gelignite bomb incidents which took place in the same area. Apart from William Street, there was also trouble in the Brandywell area and, on Sunday, an attack was made on the GPO, Abercorn Road.”

¹ [G72.445](#)

² [G72.446](#)

9.24

A further HQNI IntSum (4/72) was issued on 27th January 1972. It was stated to cover events in the week ending 26th January but in fact also dealt with events on the following day. The IntSum recorded:¹

“In Londonderry hooligan activity has continued and nail bombs have been used on most days. Shooting incidents have continued: two policemen were killed and a third injured on 27 Jan 72 when a car containing five officers was fired on by a gunman with an automatic weapon. One gunman is believed to have been hit in an exchange of fire on 22 Jan 72. There have been three bomb attacks during the week on a bar, an office and a BBC television mast.”

¹ [G80.488](#)

9.25 The police officers who died were Sergeant Peter Gilgunn and Constable David Montgomery, the first a Catholic, the second a Protestant. They were the first police officers to be killed in Londonderry during the Troubles.¹ We make further reference below to the deaths of these officers.

¹ McKittrick, Kelters, Feeney and Thornton, *Lost Lives*, p143.

9.26 On 28th January 1972 the Officer Commanding the Official IRA in Londonderry was arrested. He was still in custody on 30th January.¹ (He gave evidence to this Inquiry and was given the cipher OIRA 9.²)

¹ [G112.701](#)

² [AOIRA9.1](#)

9.27 A Ministry of Defence (MoD) Situation Report, covering the period from 0700 hours on 28th January to 0700 hours on 31st January 1972, recorded that there had been 13 shooting incidents in Londonderry between 0700 hours on 28th January and 0700 hours on 30th January. In addition, the report recorded that in the 24 hours before 0700 hours on 30th January:¹

“There was an outbreak of rioting in WILLIAM Street and after a nail bomber had been wounded a crowd of 100 attacked BRANDYWELL Tactical Location. 13 gelignite bombs were thrown.”

¹ [G99.595](#)

9.28 The Historical Report of 22 Lt AD Regt provides the following account of incidents on 29th January 1971, the day before the civil rights march:¹

“29 Jan

The Brandywell Post came under fire several times in the early hours of the morning. Fire was returned at flashes of shots. Shots were also fired at OP CHARLIE. There was the normal pattern of activity in William Street in the afternoon but 2 rounds were fired at a man seen throwing a bomb. Both shots were claimed to have hit and a man was seen being carried into a car at the back of the Old Tyre Factory. In the late afternoon some groups of hooligans transferred their operations to the Hamilton Street area and a Transformer House was broken into and damaged. The Brandywell Post was attacked by a crowd of over 100. Blast bombs were thrown and several shots were fired. A number of strikes on the buildings in the Post were noted. 15 Bty beat off the rioters and fired several rounds at gunmen and bombers when they could be identified as such.”

¹ [G133.898](#)

9.29 On the afternoon of Saturday 29th January 1972 two civilians, 33-year-old Peter McLaughlin and 16-year-old Peter Robson, were shot and wounded by soldiers. Both of these civilians provided written statements to this Inquiry. Peter Robson told us¹ that he had seen a man just off William Street who was about to throw a nail bomb. He walked away but shortly afterwards heard a shot and saw that a man whom he knew, Peter McLaughlin, had been shot. As he tried to assist Peter McLaughlin, he was himself shot. Peter Robson said that he later sued the Army and that his claim was settled. Peter McLaughlin told us that he was shot as he walked across a waste ground in William Street (known to this Inquiry as the “*laundry waste ground*”). He told us that he later obtained an apology from a newspaper that had alleged him to be a bomber.²

¹ AR37.1

² AM351

9.30 8th Infantry Brigade’s IntSum 102, which was compiled after the march on 30th January and which covered the period from 26th January to 1st February 1972, contained the observation:¹

“Before the march shooting had continued at a higher rate than recently...”

¹ G108.653

9.31 The author of this IntSum, Captain INQ 1803, then referred to the deaths of the two police officers on 27th January. In a later passage in the same IntSum, Captain INQ 1803 wrote:¹

“In the days before the march, shooting and nailbombing had continued at a high rate (61 shooting incidents and 52 nailbombs in the previous two weeks).”

¹ G108.655

9.32 HQNI IntSum 5/72 for the period from 27th January to 2nd February 1972 included the following paragraph:¹

“In Londonderry prior to 30 Jan 72 there was an increase in shooting incidents: on 27 Jan 72 two RUC officers were killed and one wounded in the city ... and a soldier was wounded on the same day. Gunmen and nail bombers worked behind cover provided by crowds of civilians in many of the incidents. The city had a week free of bomb attacks and the OC of the Goulding IRA unit was arrested.”

¹ G110.675

- 9.33** In a draft statement made for the purposes of the Widgery Inquiry, General Ford recorded:¹

“All our previous experiences [have] led me to the conclusion that the hooligan gangs in Londonderry are a special problem and their activities pose a special threat to security in Londonderry. They are contained, but not dispersed without serious risk to our troops, when indulging in their routine attacks in the William Street area. These attacks constitute daily breaches of law and order in the face of the Security Forces, during which the lives of the soldiers are at risk from attendant snipers and nail bombers, but on the whole it is not necessary to open fire except at identified bombers or snipers. On the other hand, when operating in greater numbers in the Bogside and Creggan or in large scale retaliatory rioting on the fringes in conjunction with other sections of the community, the attacking mob endangers the lives of the soldiers by virtue of their aggressive tactics allied to overwhelming numbers.”

¹ [B1143](#)

- 9.34** In his oral evidence to the Widgery Inquiry, Brigadier MacLellan provided statistics to illustrate the level of violence in the city between 1st August 1971 and 9th February 1972. According to the Brigadier's figures, between those two dates 2,656 hostile shots had been fired at the security forces, and 840 shots returned, 456 nail bombs had been thrown and there had been 225 explosions which had destroyed business premises. Brigadier MacLellan, again using figures with which he had been provided, told the Widgery Inquiry that in the fortnight that preceded 30th January 1972, there had been 80 confirmed shooting incidents in which 319 rounds were fired at soldiers. A total of 84 nail bombs had been thrown. In the same period, two members of the security forces (the RUC officers Sergeant Gilgunn and Constable Montgomery) were killed and two were wounded.¹

¹ [WT11.3](#)

- 9.35** Slightly different figures appeared in 8th Infantry Brigade's IntSum 102 dated 2nd February 1972. This recorded that there had been 61 shooting incidents and 52 nail bombs thrown in the 8th Infantry Brigade area in the fortnight to 1st February 1972.¹

¹ [G108.653, 655](#)

- 9.36** The Londonderry Development Commission stated on 29th February 1972 that between 1st August 1971 and 29th February 1972 it had received 2,200 claims in respect of malicious damage to property and that the value of that damage was estimated to exceed £6 million.¹

¹ [G125A.836.1](#)

- 9.37** Whether or not the statistics provided by Brigadier MacLellan were wholly accurate, the information in the IntSums and the other documents to which we have referred discloses a serious security situation, with bombing and shooting incidents coupled with daily rioting and arson attacks on the fabric of the city. Soldiers had reasonable grounds for believing that they could be the subject of lethal attack at any time and accordingly had to take the greatest possible precautions to avoid making themselves into targets. Londonderry at this time was a very dangerous place for the security forces to carry out their work.
- 9.38** Although there can be no doubt that there was considerable violence in Londonderry both after internment and in the weeks leading up to Bloody Sunday, it is harder to discern whether the trend was increasing, decreasing or stable in the latter period. The 8th Infantry Brigade IntSum for 5th to 11th January 1972 recorded that there was “*little significant terrorist activity*”,¹ while that of 19th to 25th January began with the comment that “*Throughout the Brigade area terrorist activity has remained at a level similar to recent weeks*”.² However, in the last week before the march on 30th January, the week in which two members of the security forces were killed and two injured, several intelligence documents referred to a marked increase in the number of shooting incidents and attacks on members of the Army and RUC.³

¹ [G51.310](#)

² [G108.653](#); [G110.673](#); [G112.697](#)

³ [G72.445](#)

The Army in Northern Ireland in January 1972

- 9.39** It is convenient at this stage to describe in more detail the roles of the General Officer Commanding (GOC) and Commander Land Forces (CLF) and also to provide an outline of the Army structure in Northern Ireland in January 1972. To some degree the following paragraphs duplicate information we have provided earlier in this report, but we provide it again here for the convenience of the reader.
- 9.40** The senior military officer in Northern Ireland in January 1972 was the GOC and Director of Operations, General Sir Harry Tuzo. General Tuzo’s deputy, the CLF, was General Robert Ford, who had held the post since 29th July 1971.

- 9.41 The GOC's responsibilities at the relevant time are set out in a Directive that came into effect on 4th February 1971.¹ He had overall responsibility for security operations and was required to exercise operational control over all land, naval and air forces in Northern Ireland. He was also required to "*co-ordinate the tasking of the Royal Ulster Constabulary for security operations with other security forces*".²

¹ G1AAB.19.1.1.8

² G1AAB.19.1.1.8

- 9.42 The Directive identified those to whom the GOC was to report. It provided:¹

"4. You are responsible to the Chief of the Defence Staff as Chairman of the Chiefs of Staff Committee, but will work in the closest co-operation with the Northern Ireland Government. You will be a member of the Northern Ireland Government Joint Security Committee. In the event of any disagreement with the Northern Ireland Government you are at once to refer the matter to the Ministry of Defence.

5. You are to keep the Chief of the General Staff, on behalf of the Chief of the Defence Staff, informed on all major issues. You will also, unless urgent operational considerations make this impossible, obtain guidance from the Ministry of Defence on any matters which, in your opinion or that of Her Majesty's Government's representatives in Northern Ireland, have political implications of concern to HMG or which concern any major redeployment of your forces."

¹ G1AAB.19.1.1.8-9

- 9.43 In January 1972 the Chief of the Defence Staff (CDS) was Admiral Sir Peter Hill-Norton and the Chief of the General Staff was General Sir Michael Carver. Both were based in London.

- 9.44 General Ford was a member of the 4th and 7th Dragoon Guards Regiment. Immediately before his appointment as CLF, he had been the Principal Staff Officer to the Chief of the Defence Staff at the MoD in London. He had expected to go from the MoD to take command of an armoured division of the British Army of the Rhine. However, it was decided in 1970 that Major General Anthony Farrar-Hockley, then CLF in Northern Ireland, lacked experience of command in West Germany and so should take up a posting there, being replaced in Northern Ireland by the then Brigadier Ford, who on 2nd August 1971 was granted the substantive rank of Major General. General Ford told this Inquiry that his appointment as CLF did not indicate, as far as he was aware, any change of approach to the task of the CLF in Northern Ireland but arose because of the perceived need for General Farrar-Hockley to hold a command in Germany.¹ It was

suggested to us that the appointment of General Ford might have been part of a policy to deal with civil unrest in a more aggressive manner,² but we reject that suggestion and we accept General Ford's evidence about the circumstances of his appointment.

¹ B1208.88-92; Day 253/2

² Day 50/20

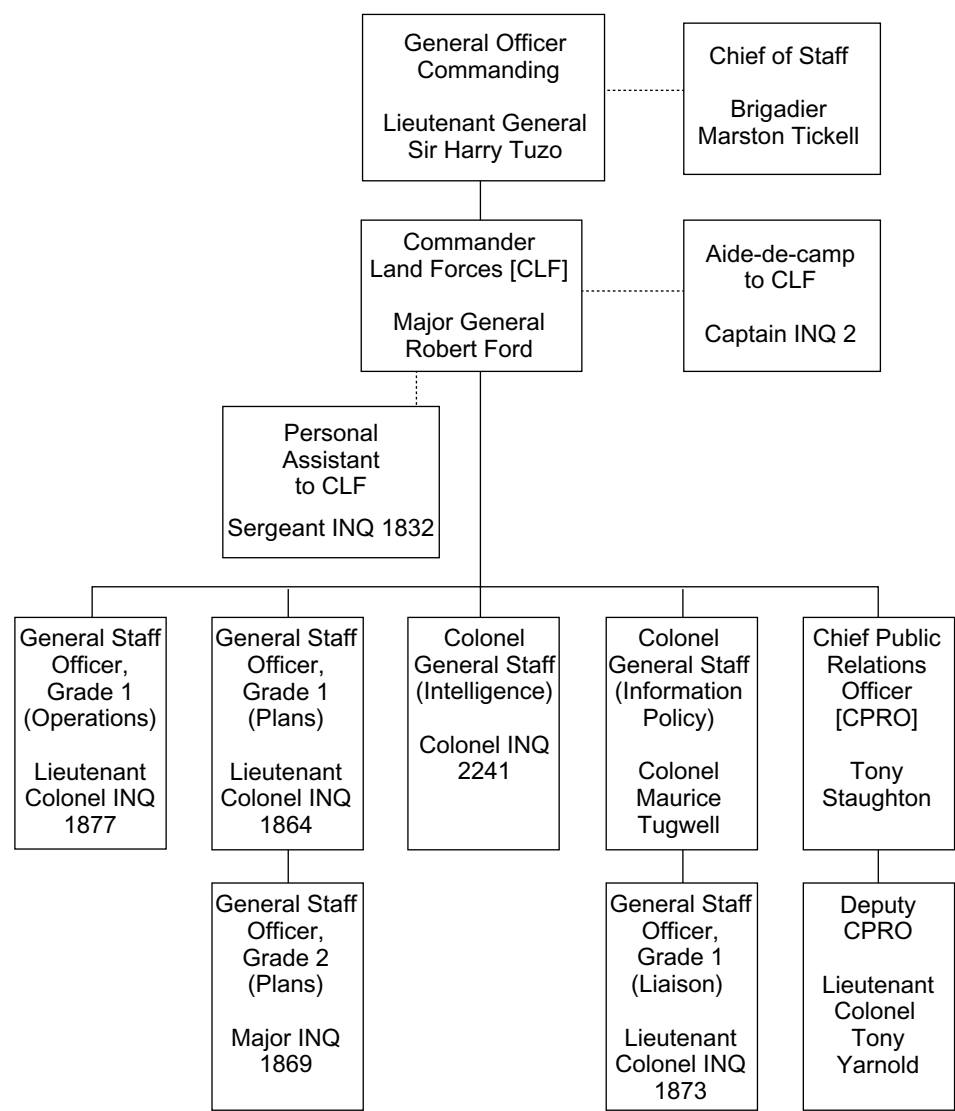
9.45 Although General Tuzo was a member of the JSC (described earlier in this report¹), General Ford was not. However, General Tuzo and General Ford held private discussions on at least three days a week. According to General Ford, General Tuzo on these occasions informed him of everything that was going on above General Tuzo's level, reporting not only what was happening in Stormont but also what General Tuzo had heard on his private line from General Carver about events in Whitehall and what he had heard from the Chief Constable of the RUC. General Ford had no contact of his own with Stormont, Westminster or the Chief Constable. At these meetings, General Ford told General Tuzo of what was being done or planned operationally and, if necessary, sought his agreement.²

¹ Paragraphs 8.16–18

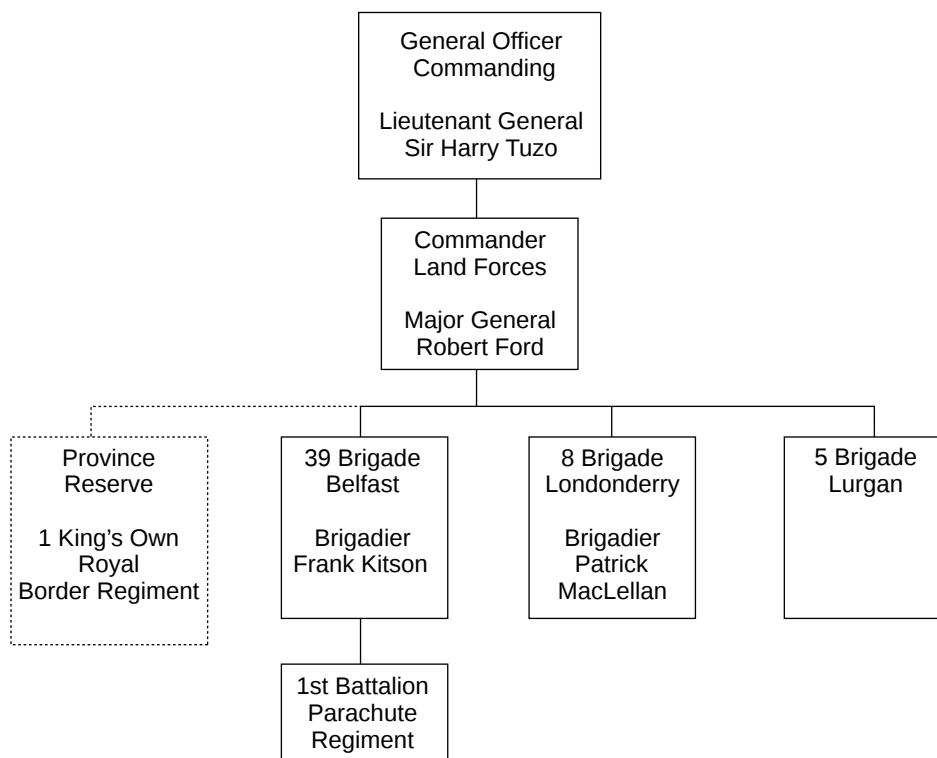
² Day 253/13

9.46 General Tuzo and General Ford were based at HQNI in Lisburn, outside Belfast. Reference will be made in this report to a number of other officers also based at HQNI. A diagram showing the ranks and roles of some of these officers appears below.

Figure 9.1: Headquarters Northern Ireland staff on 30th January 1972



9.47 There were three Army brigades in Northern Ireland, and a Province Reserve. The military structure in Northern Ireland at the time is summarised in the diagram below.

Figure 9.2: Army command in Northern Ireland in January 1972

9.48 The Province Reserve, 1st Battalion, The King's Own Royal Border Regiment (1 KOB) arrived in Northern Ireland on or about 13th January 1972.¹

¹ [C1253.5](#)

9.49 One of the battalions under the command of Brigadier Frank Kitson in Belfast was 1st Battalion, The Parachute Regiment (1 PARA). This battalion had been in Northern Ireland since September 1970.¹ It was based at Palace Barracks, Holywood, just outside Belfast, and was the reserve force of 39th Infantry Brigade. The commanding officer of 1 PARA in January 1972 was Lieutenant Colonel Derek Wilford.

¹ [WT11.7](#)

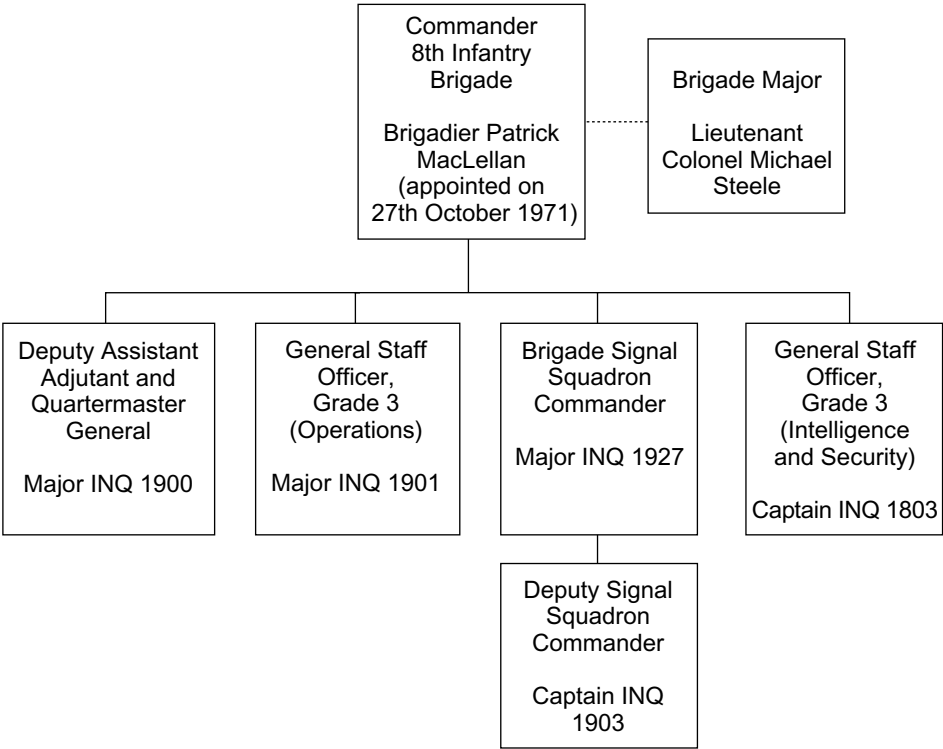
9.50 Colonel Wilford had gained experience of internal security operations while serving with the Royal Leicestershire Regiment in Malaya and with the Lincolnshire Regiment in Aden. From 1959 to 1963 he served with the SAS. He joined the 2nd Battalion of the Parachute Regiment as a Company Commander in 1969 and went to Belfast on a four-month tour

with that battalion in 1970. Thereafter he taught infantry tactics, including those relating to internal security, at the School of Infantry in Warminster. On 21st July 1971 he took command of 1 PARA, which was at that time on a two-year tour of Northern Ireland.¹

¹ B1110.017-018

9.51 The officer in command of 8th Infantry Brigade in Londonderry was Brigadier Patrick MacLellan, who had taken up his command on 27th October 1971. 8th Infantry Brigade Headquarters was located within Ebrington Barracks on the east side of the River Foyle. We make reference in this report to various officers who were under Brigadier MacLellan’s command. The rank and role of relevant officers at 8th Infantry Brigade Headquarters are summarised in the diagram below.

Figure 9.3: Officers at 8th Infantry Brigade Headquarters



9.52 Lieutenant Colonel Michael Steele was a Royal Artillery officer.¹ In July 1970, when he held the rank of Major, he was appointed to the post of Brigade Major of 8th Infantry Brigade.² He became a Lieutenant Colonel on 1st January 1972³ but remained as Brigade Major, awaiting a posting appropriate to his new rank.⁴ As Brigade Major, he

was the senior staff officer of the Brigade and was responsible for all its operational work. His duties included drafting brigade orders and running the brigade radio net during operations.⁵

¹ B1296

⁴ Day 268/141

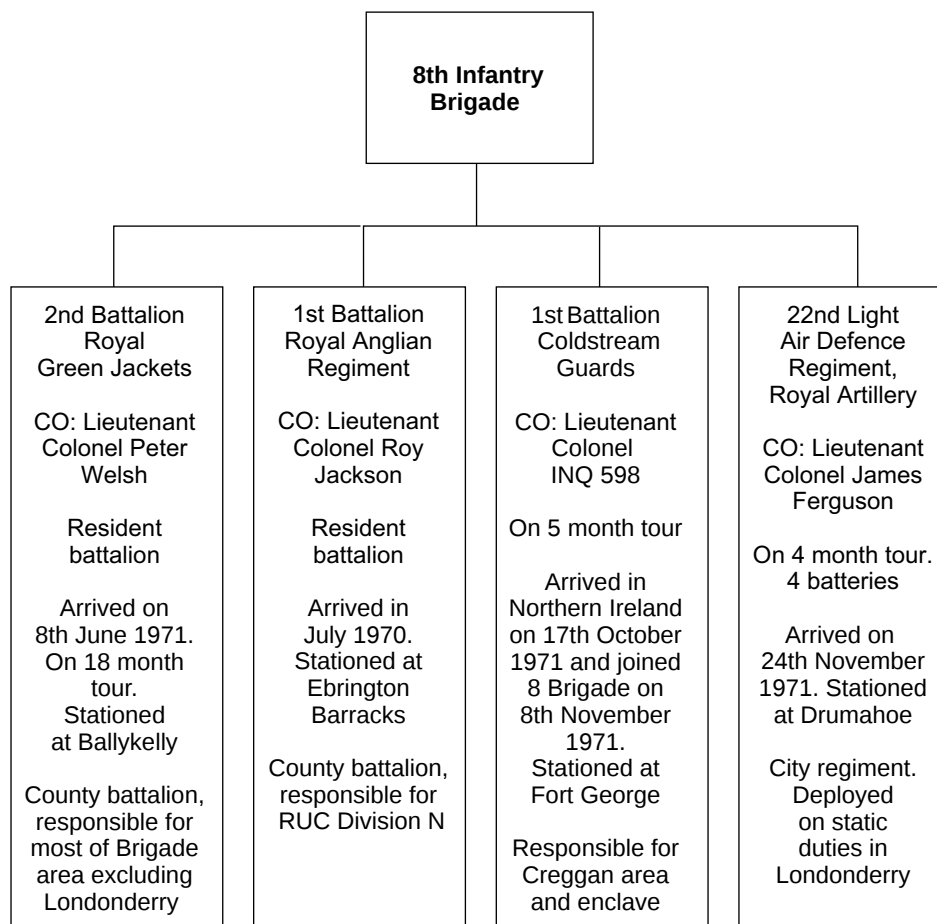
² B1315.001

⁵ Day 266/4

³ Day 266/6

9.53 There were four resident battalions (or regiments) within 8th Infantry Brigade. In addition the Brigadier could call, if necessary, upon the Province Reserve. The structure of 8th Infantry Brigade is shown in the diagram below.

Figure 9.4: 8th Infantry Brigade on 30th January 1972



9.54 The duties of the Londonderry battalions or regiments at the relevant time are set out in 8th Infantry Brigade Operational Directive 4/71, which was distributed on 10th November 1971.¹ The Directive refers to battalions and regiments as alternatives; this is simply

because the relevant unit might be either an infantry battalion or an artillery regiment. For simplicity, we generally use “battalion” in this part of the report to refer to both types of unit.

¹ [G27.196](#)

² [Day 268/143](#)

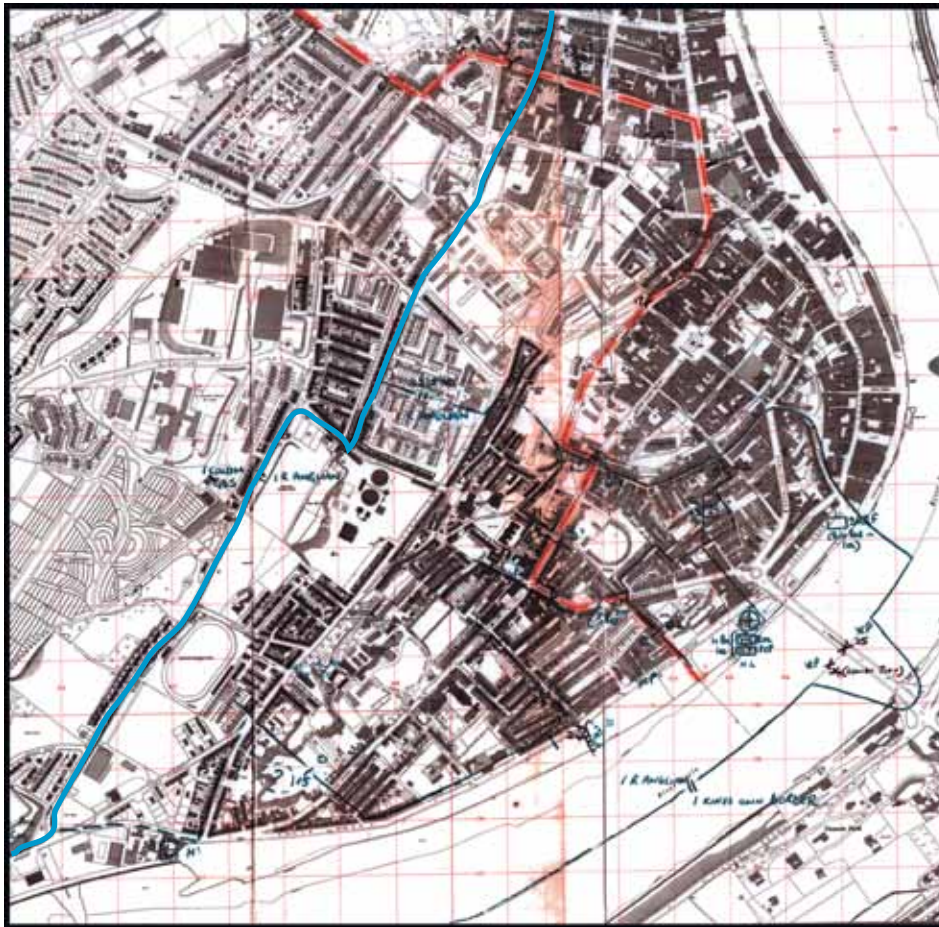
9.55 The 8th Infantry Brigade area was divided into three parts: the Creggan, the City and the County. The County covered the same area as RUC Divisions N, O and P.

9.56 The City battalion was responsible for the Bogside, Foyleside and Waterside areas within the city boundaries. The Creggan battalion was responsible for the Creggan, North Ward and Shantallow areas and for the “enclave” between the western city boundary and the border with the Republic of Ireland.¹

¹ [G27.208](#)

9.57 The map below shows the boundary between the areas of responsibility of the Creggan and City battalions. The Creggan battalion was responsible for the area to the west of the blue line running from the north to the south-west. The City battalion was responsible for the area to the east of the line.¹

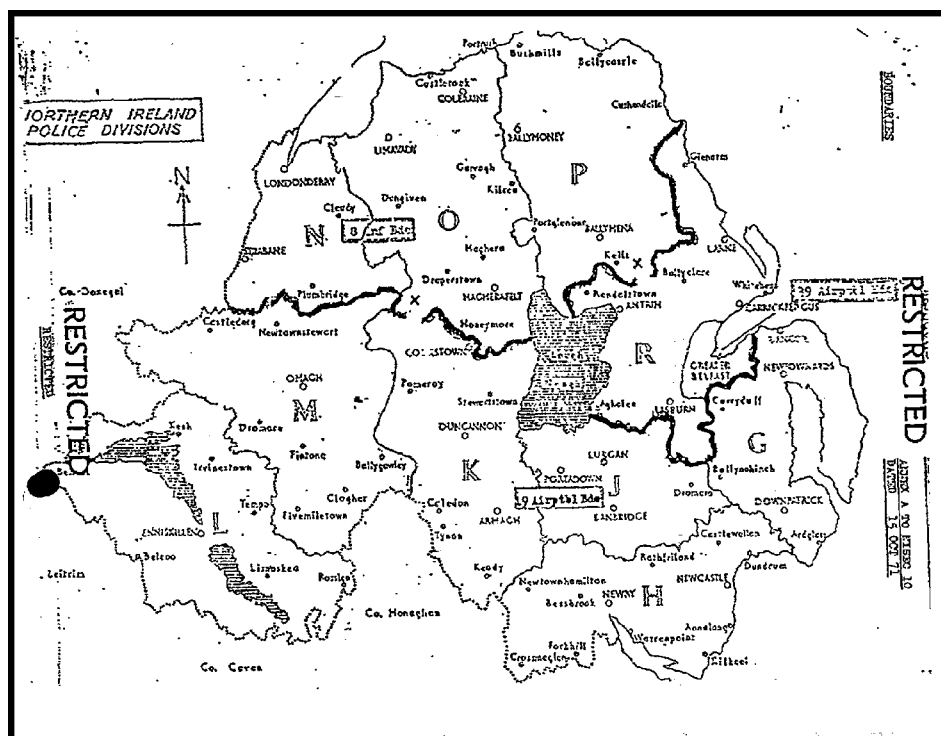
¹ [Day 268/146-147](#)



9.58 The County battalion was responsible for RUC Division N, east of the River Foyle, and excluding the Waterside, and for RUC Divisions O and P. From 21st December 1971 one battalion was responsible for RUC Division N and another for RUC Divisions O and P.¹ The map below² shows the areas covered by these police divisions.

¹ [G27.209](#)

² [G20.153](#)



9.59 The task of patrolling the Bogside and Creggan was, according to the Directive, to begin on 2nd December 1971. The task was to be undertaken by either one or both of the resident battalions.¹ The Directive envisaged that the patrols would, at the outset, swamp the Bogside and Creggan with troops.² However, although, as we have described, there were a number of operations in December 1971, none of them was intended to or did “swamp” the Bogside and Creggan with troops.

¹ G27.210

² G27.204

9.60 8th Infantry Brigade was supported by a Royal Military Police (RMP) unit, a squadron of Royal Engineers, an aviation squadron and an Explosive Ordnance Disposal unit. In addition, units of the UDR were attached to 8th Infantry Brigade. These units were normally used for operations within the County area, to the east of the River Foyle.¹

¹ G27.200; G27.210

9.61 On arrival under 8th Infantry Brigade’s command on 24th November 1971, 22 Lt AD Regt took over the County task from its predecessor, which left the command of 8th Infantry Brigade.

9.62 On 21st December 1971 22 Lt AD Regt moved to undertake the City task. 22 Lt AD Regt was responsible for the city at the time of Bloody Sunday. The regiment was based at Drumahoe but had its tactical headquarters (Tac HQ) in Victoria Barracks, attached to Strand Road RUC station in Londonderry.¹ 22 Lt AD Regt, although an artillery regiment, undertook infantry tasks in Londonderry.

¹ [Day 268/144](#)

9.63 On 30th January 1972 1st Battalion, The Coldstream Guards (1 CG) was the Creggan battalion. The two resident battalions were deployed on the County task. 1st Battalion, The Royal Anglian Regiment (1 R ANGLIAN), the battalion with the longest service in Londonderry, was responsible for RUC Division N. 2nd Battalion, The Royal Green Jackets (2 RGJ) was responsible for RUC Divisions O and P. According to Colonel Steele, one company of 1 R ANGLIAN was based in Strabane and another was elsewhere in the Division N area, leaving two companies available for duty on the day of the march. One company of 2 RGJ was based at Magherafelt and two were at Magilligan, leaving one available for deployment in the city of Londonderry.¹

¹ [Day 268/150-151](#)

The role of the Royal Ulster Constabulary

9.64 As we have discussed earlier in this report,¹ in August 1969 the GOC was given full control of the deployment and tasks of the RUC for all security operations, and though in October of that year this was changed to responsibility for the co-ordination of the tasking of the RUC in relation to security operations, in effect the Army continued to play a leading role as far as security was concerned. Subject to this the RUC remained a separate force with its own organisational structure. In January 1972 the Chief Constable of the RUC was Sir Graham Shillington. Northern Ireland was divided into ten police divisions, each of which was identified by a letter. As mentioned above, Londonderry came within RUC Division N. The RUC Divisions are seen in the map reproduced above.

¹ [Paragraphs 8.29–34](#)

The Northern Ireland Civil Rights Association

9.65 Earlier in this report¹ we gave some details of the formation of the Northern Ireland Civil Rights Association (NICRA) and its declared aims and objectives. We also noted that in his report on the riots and disturbances in 1968² Lord Cameron, while he referred to infiltration of NICRA by subversive elements, found no evidence that the IRA was in any

sense dominant or in a position to control or direct the policy of NICRA. He also observed that many supported this association who were neither Catholic nor interested in constitutional changes, violent or otherwise, and that these and other moderates had been able, during the period with which he was concerned, to keep NICRA on its originally designed and published course.

¹ Paragraphs 7.30–32

² *Disturbances in Northern Ireland: Report of the Commission Appointed by the Governor of Northern Ireland* (the Cameron Report), Belfast: HMSO, 1969 Cmnd 532.

9.66

In his report Lord Cameron made the following observations about NICRA:¹

“12. It was members of this Catholic middle-class which in 1964 founded the Campaign for Social Justice in Northern Ireland, inspired in particular by resentment against what they regarded as the sectarian bias of Unionist Councils in the Dungannon area. The Northern Ireland Civil Rights Association, itself modelled on the National Council for Civil Liberties and founded in 1967 has from the outset received very strong Catholic backing and support. These organisations concern themselves with immediate social reforms, such as opposition to job and housing discrimination by Unionists, support for universal adult franchise in local government elections and fairer electoral boundaries in local government. They are not concerned, as organisations, with altering the constitutional structure of Northern Ireland, and in this sense represent a quite new development among Catholic activists.

It was in the circumstances inevitable that the Civil Rights movement should be mainly (though not exclusively) supported by Catholics and also attract support from many who had been prominent in Nationalist and Republican politics. Officially, the Association campaigned only on civil rights issues, but in practice its activities tended to polarise the Northern Ireland community in traditional directions. It was bound to attract opposition from many Protestant Unionists who saw or professed to see its success as a threat to their supremacy, indeed, to their survival as a community. The movement also attracted the attention and support of certain left-wing extremists, some of whom by infiltration gained positions of influence within the movement, and their readiness to provoke and profit by violence was crucial at various stages in the disturbances, although their activities and influence were condemned and opposed by many of the movement’s leaders and supporters.”

¹ Cameron Report, para 12.

9.67 Under the heading “*Irish Republican Army and minor Republican organisations*” Lord Cameron observed:¹

“212. The I.R.A., whose campaign of violence between 1956 and 1962 had failed, subsequently adopted a marked change of tactics, although its overall strategy and objectives remained and remain profoundly the same. No secret has been made of this or of the consequent adoption of a policy which included permeation or infiltration of bodies or organisations which might operate in opposition to the current Government of Northern Ireland. Because the Civil Rights movement and its published objects were (at the time) wholly rejected by the Government it was to be expected that the I.R.A. or members of it in Northern Ireland would seek to turn that situation to their advantage. In this they were assisted by the declared policy of the Northern Ireland Civil Rights Association to accept support from any person who could subscribe to their objects, without regard to their political affiliations or opinions. This was in accordance with the principle on which the organisation was based – that it should be non-sectarian and non-party-political. From the very nature of things the Association could not – of course – avoid being political in a very real sense: only the most naïve could believe otherwise. Consequently it was easy for persons, identifiable as members of the I.R.A., either to join the Association itself or to take a greater or less part in its activities.”

¹ Cameron Report, para 212.

9.68 Lord Cameron was describing the situation in 1968. In the context of the present Inquiry it was submitted on behalf of represented soldiers that, in respect of NICRA, by January 1972 “*the involvement of members of the Official IRA, the Official Republican Movement and other proscribed Republican groups, was on an upward rather than downward curve after 1969*”.¹ These representatives also submitted that this was the reason why NICRA was an organisation that was sometimes referred to critically by Army, security and intelligence organisations at the time:²

“2. Central to an understanding of such criticisms is the fact that, by 30 January 1972, the Official IRA, and to an extent other Republican groups, had infiltrated NICRA. The Tribunal has before it substantial evidence to support the contention that armed republicans from the Official IRA, or those likely to have been closely associated with such paramilitary gunmen, were members of NICRA both locally in Derry and at

executive level. Other members of the executive, some of whom were no doubt genuinely opposed to military resistance, appear to have been unaware that they shared membership of the executive with paramilitaries or have denied the same.”

¹ FS8.172

² FS8.171

9.69 To our minds the expression “*infiltrated*” in its ordinary meaning suggests that those joining an organisation did so in order to overthrow it or at least to change or subvert its aims and objectives, while concealing that that was their purpose. Thus paramilitary groups “*infiltrating*” an organisation would ordinarily be understood to be intending to destroy it or at least to bend it towards the use of paramilitary force, in order to achieve their political ambitions.

9.70 It was acknowledged by the representatives in question, in our view correctly, that there was no evidence to suggest that “*infiltrators*” had by 1972 succeeded in any such endeavour, as shown in the following extract:¹

“We have never suggested that NICRA was a ‘*front organisation for subversive groups*’ which is how NICRA chooses to portray the issue of infiltration.”²

The suggestion that NICRA was a ‘*front organisation*’ would imply that, as an organisation, its true aims could not be said to be securing civil rights, rather that NICRA had a more sinister and undisclosed agenda.

NICRA was not a ‘*front organisation*’ – we recognise that many members of NICRA and its executive were genuinely committed to a non-violent campaign for the furtherance of civil rights. But the concern that we have raised in our own closing submissions is that, at the other end of the spectrum, the membership of NICRA (including its executive committee) comprised some who were actively involved in, and even directing, acts of terrorism.”

¹ FR8.12

² FS10.48

9.71 After the interested parties to the Inquiry had delivered their written submissions there was a short oral hearing in the course of which we invited answers to questions in respect of which we sought assistance or clarification. So far as “*infiltration*” was concerned, we posed the following two questions:

“IRA and NICRA

It has been said that NICRA was ‘infiltrated’ by the IRA. Even if it is right that there were members of the IRA who were also members of NICRA, the Tribunal wishes to know (1) what exactly is meant by the use of the word ‘infiltrated’ and (2) to what extent, and on what evidential basis, is it said that any such infiltration had any bearing on the events of the day?”

- 9.72** Counsel on behalf of represented soldiers answered the first of these questions by submitting that members of the Official IRA had infiltrated NICRA in the sense of joining this organisation and gaining places in it of real influence; and had done so secretly.¹ He went on to tell us:²

“We do not say there is evidence that the purposes of NICRA had been subverted such that they were espousing violence or any party political agenda. NICRA’s statements, though politically charged, in the non-party political sense, continued to espouse non-violence and democratic means. So no, we do not say that those members of the IRA who had gained positions of influence within NICRA had managed to subvert it.

But this does not mean, and we submit it would be naive to conclude, that those involved in the Official IRA had secretly entered NICRA with wholly benign motives, or with only a genuine concern for civil rights in mind.

Had their motive been only to seek the furtherance of civil rights, they would surely not have become involved at all on the executive or indeed locally, because their presence there could be damaging to NICRA and its aims if their paramilitary connections were known, or became known.

So in summary, the answer to the Tribunal’s first set of questions on this topic, we say this: the Official IRA had secured representation by its members within NICRA, without other members of NICRA or its executive knowing that they had terrorists in their ranks.

Two, the Official IRA have not thereby succeeded in subverting the principles of NICRA – NICRA continued publicly (and, we accept, as a movement, genuinely) to espouse non-violence and democratic means.

Thirdly, the precise motives of the Official IRA in secretly gaining positions of influence within NICRA may not be clear, but such motives, we submit, are unlikely to have been benign.”

¹ Day 430/61

² Day 430/65-66

9.73

With regard to the second of the questions posed by the Tribunal, one of the counsel for represented soldiers made five points.¹ These were firstly, that this infiltration justified the suspicions of NICRA in security forces and government circles; secondly, that the security forces and government were rightly concerned about NICRA’s decision to return to the tactic of large scale public marches, when they were illegal and likely to lead to rioting and violence; thirdly, that the willingness of the Official IRA to secure positions of influence within NICRA for some of its senior members “*effectively by deception*” told the Tribunal “*much about the duplicity of the Official IRA*”; fourthly, that the influence of the Official IRA in NICRA would have meant that it was privy to NICRA’s plans for the march that took place on Bloody Sunday; and fifthly, that the infiltration made “*unworldly*” the suggestion that the Army should have worked with NICRA on how this march was to be policed and controlled, since the Army would have known of the presence of Official IRA members within NICRA.

¹ Day 430/67-71

9.74

For these reasons counsel submitted that “*the fact that IRA terrorists had gained positions of influence within NICRA is relevant, and in a number of different ways, to the background issues which the Tribunal must consider*”.¹

¹ Day 430/71

9.75

We accept that the fact that members of NICRA included members of the Official IRA (and other republican organisations) did to a degree attract the suspicions of some of those in government and the security services. There is also no doubt that both government and the security services were concerned about the resumption of large-scale marches, by reason of their illegality and the violence that was likely to follow them. However, as counsel acknowledged in answering the questions that we posed, it would be wrong to suggest that the only or even the dominant thinking in NICRA’s decision to resume marches was to assist the Official IRA’s campaign by, for example, bringing about incidents of confrontation between the civilian Catholic population and the Army in the hope of further alienating the former from the latter and thus securing support for the Official IRA.¹ It might well be the case that some members of the Official IRA took the

view that marches would be likely to bring about such advantages for their cause, but we have found nothing to suggest that, had they not been members, there would have been no renewed campaign of marches.

¹ [Day 430/68](#)

9.76 As to the suggested evidence of duplicity, we are not persuaded that this point assists us on either the question of what the Official IRA did on Bloody Sunday, or on the weight to be given to the evidence that former members of the Official IRA gave us about their activities, which are both matters that we consider in detail in the course of this report.

9.77 We do not know whether Official IRA members used their membership of NICRA to gain knowledge of NICRA's plans for the march that took place on Bloody Sunday. What we do know, as appears below, is that the security forces were aware of the original date planned for the march (16th January 1972), of the change to 30th January 1972, and of the likely routes for the march. For obvious reasons the planned march was widely publicised.

9.78 It appears to be suggested that the Official IRA might have gained knowledge through their members in NICRA that the march would go to the Guildhall via William Street and, using that knowledge, was able to place a sniper near that street, who on the day itself fired at soldiers who were on the other side of the street. We deal in detail with that incident later in this report,¹ but suffice to say at this stage that there is no evidence to suggest that this incident occurred because the Official IRA was privy to plans for the march that were not general knowledge or which could not be gleaned from the fact that William Street was an obvious route for the march.

¹ [Chapter 19](#)

9.79 We now turn to consider briefly the degree of involvement in NICRA of those who espoused the republican cause. In the course of the evidence witnesses were asked about the degree of involvement in NICRA of those in or connected with what was described as "*the Official Republican Movement*". This was not a single organisation but comprised a variety of associations and groupings, including entities known as Republican Clubs,¹ whose only common factor was adherence to the movement's political policy. While members of the Official IRA could loosely be described as members of the Official Republican Movement, the converse was by no means the case, for many republicans did not support the campaign of violence.

¹ At the time Republican Clubs were proscribed organisations under The Civil Authorities (Special Powers) Acts (Amending) (No 1) Regulations (Northern Ireland) 1967.

9.80 Using the expression “the Official Republican Movement” in this general sense, there is no doubt that many members of NICRA and indeed of the Executive Committee at the time could accurately be described as adherents of this movement. This appears from the evidence given by, among others, Jimmy Doris, Hugh Logue, Kevin Boyle, Margo Collins and Edwina Stewart.¹ Furthermore there is no doubt, as Aidan Hegarty told us, that those associated with the Official Republican Movement were encouraged to get involved.^{2, 3} In short, as Kevin Boyle accepted, NICRA was heavily dominated by the Official Republican Movement, but as he also observed, there was no secret about this.⁴

¹ [Day 124/71](#); [Day 126/6](#); [Day 123/101](#); [Day 124/143](#); [Day 124/181](#)

² [AH59.1-3](#); [Day 413/39](#)

³ Aidan Hegarty in his written evidence used the word “*infiltration*” but in his oral evidence told us that this did not mean by subterfuge and that it was common knowledge that he was a member of the Official Republican Movement ([Day 413/209-211](#)).

⁴ [Day 123/100](#)

9.81 What did appear to be unknown to at least some members of NICRA was that in early 1972, among NICRA members who fell within the general description of Official Republicans were active members of the Official IRA, which was involved in the campaign of violence. Among these were Liam McMillen, the officer commanding the Official IRA in Belfast, who was a member of the NICRA Executive Committee¹ and Reg Tester, a member of the Command Staff of the Official IRA in Londonderry.²

¹ [Day 412/259](#)

² [Day 125/180](#)

9.82 Hugh Logue told us that there were no signs that members of the IRA were members of NICRA.¹ Kevin Boyle told us, and we accept, that he did not know that Liam McMillen was a senior officer of the Official IRA, though he did know that Liam McMillen was a republican.² It does not surprise us that members of NICRA who were also members of the Official IRA would not, for obvious reasons, incriminate themselves by advertising the latter fact.

¹ [Day 126/70](#)

² [Day 123/103](#)

9.83 Finally, as to the suspicions of NICRA among government and security forces, it will be seen later in this part of the report that NICRA was described in one Army report as “*the active ally of the IRA*”.¹ John Taylor who was at the time Minister of State at the Ministry of Home Affairs in the Northern Ireland Government² told us that NICRA “*of course ... was used as a cover by terrorists*”.³ Asked if there were any documents to support these assertions, John Taylor said that he thought there was reference in a file of papers provided to him by the Tribunal and that he would check to see why he reached his

conclusions regarding there being two places on the executive for the Official IRA.

Although the Inquiry wrote to John Taylor more than once to ask whether he had found anything to support his assertions, there was no reply.

¹ G70.437

³ Day 197/24

² KK3.1

9.84 As will have been noted, soldiers' representatives did not suggest to us that the evidence established either that NICRA was allied with the IRA (Provisional or Official) in the sense of assisting, promoting or sympathising with the campaign of armed violence pursued by the latter or that it was a cover or front for paramilitary activities. Indeed, these representatives expressly disassociated their clients from any such suggestion. In our view they were right to do so.

9.85 At the same time, apart from those who believed that NICRA was allied with the IRA in the sense described above, it is understandable that some of those in government and the security forces viewed NICRA with a degree of suspicion, since they knew of the involvement of members of the Official Republican Movement and of active IRA members in that organisation and could not be sure of the nature or degree of influence that these members were having. From their point of view the activities of NICRA could be seen as part and parcel of a campaign with the ultimate aim of bringing about the end of partition.

9.86 Although some members of the Official IRA acted as stewards for the NICRA civil rights march on 30th January 1972, we have found no evidence to suggest that the involvement in NICRA of Official Republican Movement members, or indeed of members of the Official IRA, led to any abandonment or dilution of NICRA's objective, which was to conduct a peaceful protest march against internment on that day.

Events during January 1972

9.87 We now turn to consider the course of relevant events during the first weeks of January 1972.

The first Northern Ireland Civil Rights Association marches of 1972

9.88 We have referred earlier in this report¹ to the decision of NICRA to resume marches in 1972 if their demands for, among other things, the end of internment were met with a negative response. NICRA's demands were not met and on 2nd January 1972 NICRA organised a number of marches starting at different points in the predominantly Catholic

Falls Road and Andersonstown areas of West Belfast, and culminating in a rally in Falls Park. Although the various processions were stopped by the security forces from marching in the road, the participants reformed on footpaths and pavements and continued to march to Falls Park (in one case even returning to the road once the roadblock had been bypassed). As with the Christmas Day march, to which we have referred earlier in this report,² the security forces did not make arrests, but instead identified various marchers with a view to later prosecution. Such trouble as occurred seems to have been limited to some minor missile-throwing.³

¹ Paragraph 8.193

³ G47A.298.8; G63.378

² Paragraph 8.194

9.89

The resumption of the marches led predictably to strong criticism of Brian Faulkner and the security forces from many unionists who felt that insufficient action had been taken to enforce the ban on marches. Critics, including the heads of two of the (Protestant) Loyal Orders (one of whom, James Molyneaux, would later lead the Ulster Unionist Party), called for the abolition of the “*now totally discredited*” ban on the grounds that it was unenforceable in nationalist areas and thus was “*blatantly discriminatory*” against unionists.¹ Even before 2nd January 1972 Dr Ian Paisley was reported as announcing that he intended to raise the issue in meetings with General Tuzo and Commander Anderson, the latter being the Senior Parliamentary Secretary at the Home Affairs Ministry.²

¹ G46AA.288.1.3; G82.517-518

² OS4.106; Day 205/141-142

9.90

The marches also led to counter-demonstrations by loyalists during the course of January.

Changes at the Ministry of Defence and United Kingdom Cabinet Secretariat

9.91

On 3rd January 1972 Derek Stephen succeeded Arthur Hockaday as Assistant Under Secretary (General Staff) (AUS (GS)) at the MoD, and ten days later Arthur Hockaday took up the post of Deputy Head of the Defence and Oversea Division of the Cabinet Secretariat.

Meeting of the Official Committee on Northern Ireland on 5th January 1972

9.92 On 5th January 1972, there was a meeting of the Official Committee on Northern Ireland.¹ This committee was made up of senior civil servants from departments concerned with Northern Ireland. Derek Stephen was now attending as AUS (GS), but on this occasion neither Anthony Stephens (head of Defence Secretariat 10 (DS10) in the MoD) nor Arthur Hockaday was present. Kelvin White of the Foreign Office was at the meeting. The minutes recorded that:²

“The Ministry of Defence reported that in Belfast the Irish Republican Army (IRA) continued to suffer severely from the pressure of the security forces on its personnel ... and arms supplies. It seemed, however, that there was a limit in the extent to which terrorism could be reduced by military means alone. In Londonderry the situation was more serious than in Belfast. The Defence Secretary had agreed that the Bogside and Creggan areas should only be entered by troops on specific information and for a minimum of routine patrolling. ... If continued attrition achieved a lull in terrorist activity, the need for a political initiative would become more urgent. At that point, the assessment of the risk of a Protestant backlash – whose potential we could not measure accurately at present – would be crucial. The security forces would be in serious difficulty in fighting 2 fronts.”

¹ G46.286

² G46.287-288

The Army paper “Measures to Control Marches”

9.93 On the same day the Army in Northern Ireland produced a paper entitled “Measures to Control Marches”. The identity of the author is not known. However, the paper was created for submission to the JSC and was in the following terms:¹

“MEASURES TO CONTROL MARCHES (for consideration by JSC)

Extension of the Ban

1. The current ban on marching expires on 8 Feb 72 and an early decision is required on whether it should be lifted, modified or extended.

2. Although the continuance of the ban has undoubted drawbacks, including problems of enforcement, the consequences of lifting or modifying it are far more serious. Such a move, resulting in a plethora of marches, would place an intolerable burden on the security forces, involving endless security commitments, probable escalation of violence, and a diversion of effort from the main task of defeating the IRA. Enforcement problems are not eliminated by lifting the ban since some types of march would in any case need to be ruled out.

3. It is proposed therefore that the ban should be extended for a period of one year until 8 Feb 73. An early announcement should be made to this effect, thus giving the maximum notice to march organisers and the general public and at the same time demonstrating the Government's firmness on this issue. The subsequent lifting of the ban could of course be considered should the situation improve.

Modification of Existing Procedures

4. On the assumption that the extension of the ban is authorised, some of the existing enforcement procedures require strengthening and this involves departure from previous practice. Certain consequences which follow must also be recognised. These are set out below:-

a. The security forces will normally exercise the option of closing a march route entirely and will not normally permit marchers to continue on the pavements as has been done recently.

b. On the spot arrests of ringleaders, including perhaps well known citizens, and other marchers may be made; this would normally be done by the RUC under the Public Order Act, but the Army would participate if any violence were offered.

c. The route closing policy described above may result, particularly in the case of multiple converging marches, in the closing of all routes leading to the place of assembly, thus in effect cordoning it off and preventing the assembly from taking place at all.

5. Although a certain degree of discretion must be retained by the Commander on the spot, particularly where women and children are to the fore, these measures indicate a generally firmer line to be adopted by the security forces. As a consequence violence may be precipitated in an otherwise non-violent situation. For example the complete closure of a route or on-the-spot arrests may cause rioting in which case the normal anti riot measures would be required.

6. A public announcement should be made to the effect that all those marching in defiance of the ban are liable to immediate arrest and subsequent prosecution. Steps should also be taken to ensure swift prosecution of offenders, without automatic reference to the Attorney General which is the current practice.

7. It is proposed that the current RUC Force Order on this subject should be amended to include the change of emphasis in control measures and define the military powers of arrest. It should be reissued as a joint RUC/Army instruction.

Recommendations

8. The Committee is invited to agree:-

a. That the ban on marches should continue until 8 Feb 73 with the understanding that it might be lifted earlier if conditions greatly improve.

b. To accept the firmer measures proposed in this paper and acknowledge the possible consequences.

c. To make an early announcement of the continuance of the ban and the intention to adopt firmer measures including the liability of all those defying the ban to arrest and prosecution.”

¹ [G53.318-319](#)

Meeting of the Joint Security Committee on 6th January 1972

9.94 On 6th January 1972 there was a meeting of the JSC.¹ After receiving a report from the Chief Constable regarding the marches on 25th December 1971 and 2nd January 1972, the meeting resolved that those who had been identified as having taken part, including two Westminster MPs (Bernadette Devlin and Frank McManus), should be prosecuted as a matter of urgency for breach of the ban. This decision was taken subject to the directions of the Attorney General, and in the knowledge that any successful prosecutions would lead (as noted above) to a mandatory sentence of six months' imprisonment for adults.²

¹ [G47.289-298](#)

² [G47.290](#)

9.95 Either at this meeting, or on the margins of it, Brian Faulkner raised the issue of the possible extension of the ban on marches, which would otherwise lapse on 8th February 1972.¹ He told General Tuzo (but seemingly not the committee as a whole, as it was not recorded in the minutes) that he was in favour of retaining the ban either for another year or at least until the end of 1972. This news was greeted favourably within the MoD,

although it was noted that Brian Faulkner would have to persuade his Cabinet colleagues to agree. Although General Tuzo was confident that he would succeed, the Permanent Secretary commented in a memorandum to Lord Carrington that this could not be guaranteed, and if the Northern Ireland Cabinet were to refuse, “*intervention from London might yet become necessary*”.²

¹ [G47.289](#); [G46A.288.1](#)

² [G46A.288.1](#)

9.96 The Permanent Secretary’s memo also recorded that the JSC agreed in principle with proposals put forward by the GOC for taking a more positive line in future to prevent unauthorised marches from taking place. The GOC appears to have informed this meeting that action was in hand, in conjunction with the RUC, to draft detailed orders for the implementation of agreed measures to deal with illegal marches, and to formulate a public statement designed to make it clear to both communities that attempts to organise illegal marches would not be tolerated.¹ Although the Army had already prepared the paper entitled “Measures to Control Marches” for consideration by the JSC, to which we have referred above, it seems that the paper was not tabled at this meeting, but at the next, held on 13th January.²

¹ [G46A.288.2](#)

² [G53.318-319](#)

9.97 The minutes of the JSC meeting on 6th January 1972 recorded that Brian Faulkner had mentioned that the Strand Traders’ Association, a collection of Londonderry businessmen, had asked him to meet a deputation about the spread of violent activity into the William Street area of the city. Commander Anderson (the Parliamentary Secretary of the Ministry of Home Affairs and the (Unionist) Stormont MP for Londonderry City) stressed the harm that this was doing to business interests in the area and the danger of further spread. According to the minutes, General Tuzo undertook to discuss the situation on the spot with the Strand Traders’ Association.¹ In the event he requested General Ford to go to Londonderry for this purpose.²

¹ [G47.291](#)

² [Day 253/45](#)

Meeting of the Northern Ireland Policy Group

9.98 In London on 7th January 1972 there was a meeting of the MoD’s Northern Ireland Policy Group attended by Lord Carrington, at which those attending discussed the brief prepared for him in December 1971 by Arthur Hockaday. The view expressed at the

meeting was that a “*window in time*” might be opening up for a political initiative, though Lord Carrington said that he was not yet wholly convinced that the time was now right for the sort of political initiative discussed in the brief.¹

¹ KH9.28-29

9.99 At the same meeting, the CGS explained that the policy adopted for the marches on 25th December 1971 and 2nd January 1972 had been to break up the columns of marchers systematically by the use of barriers, which had also facilitated the identification of organisers. He reported General Tuzo’s conversation with Brian Faulkner regarding the extension of the ban, and Lord Carrington, for whom Sir James Dunnett (the Permanent Secretary) had already produced the memorandum referred to above,¹ expressed himself to be in favour of its continuation.² The CGS had earlier told the meeting that there was evidence that the Official IRA (referred to as the “*Goulding faction*”) was concentrating on Londonderry and would become more militant there in the next few weeks.³ There are similar reports of this development in other security force documents at this time.⁴

¹ G46A.288.1

³ KH9.27

² KH9.30

⁴ G50A.309.7; G55.338

9.100 On the same day Edward Heath’s Private Secretary, Peter Gregson, wrote to Graham Angel in the Home Office in these terms:¹

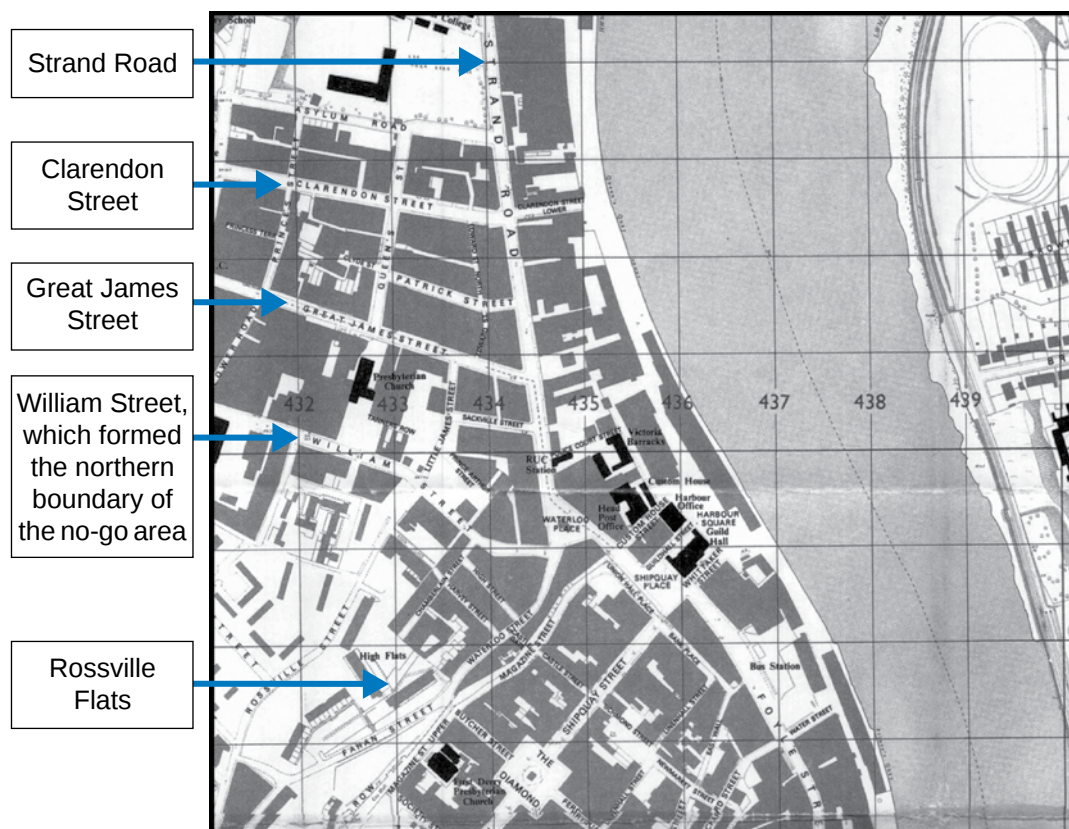
“The Prime Minister has noted in paragraph 7 of the Northern Ireland Current Situation Report No. 48 of 5 January that steps are to be taken to ensure that prosecutions are brought against the identified ring leaders of the recent anti-internment marches.

The Prime Minister considers it very important that this should be done, and be seen to be done as speedily as possible. He would be grateful for a report on progress.”

¹ OS4.176

Major General Ford’s meeting with members of the Strand Traders’ Association on 7th January 1972

9.101 The Strand Traders’ Association was an association of businessmen whose premises were located in or around the Strand Road in Londonderry. This was a shopping area, part of which lay close to the no-go area of the Bogside. By early January 1972, shops in this area had suffered damage and destruction from arson and bomb attacks.



9.102 The meeting between General Ford and representatives of the Strand Traders' Association took place in Londonderry on Friday 7th January 1972. General Ford was accompanied by the Assistant Chief Constable (Operations), David Corbett. In addition to meeting members of the Association, General Ford held discussions with Brigadier MacLellan, Lieutenant Colonel Ferguson, the Commanding Officer of 22 Lt AD Regt, and Chief Superintendent Lagan, the RUC Divisional Commander responsible for RUC N Division, which included the Londonderry area.

Major General Ford's memorandum

9.103 General Ford, in his evidence to this Inquiry, was unable to recall this visit to Londonderry. However, we had available a memorandum which General Ford produced following his visit. The memorandum was addressed to the GOC and was headed "*Personal and Confidential*".¹ It was written on or about 10th January 1972.² In it, General Ford reported to General Tuzo the impression that he had gained of the security situation in Londonderry.

¹ G48.299

² Day 253/64; B1208.075

9.104 The memorandum was in the following terms:¹**"THE SITUATION IN LONDONDERRY AS AT 7TH JANUARY 1972**

1. I visited Londonderry on Friday 7th January with ACC (Ops) and held discussions with Commander 8 Brigade, Commanding Officer the City Battalion (22 Lt AD Regt), and the Police Divisional Commander. I also visited the area of Waterloo Place and William Street and the OPs [observation posts] on top of the Embassy Ballroom in the Strand. I was disturbed by the attitude of both the Brigade Commander and the Battalion Commander, and also, of course, by Chief Superintendent Lagan. All admitted that 'The Front' was gradually moving Northwards and, in their view, not only would Great James Street go up in time but also Clarendon Street unless there was a change of policy. This admission meant that this major shopping centre would, in their opinion, become extinct during the next few months.

2. In the last two weeks there has been the usual daily yobbo activity in the William Street area and this has been combined with bombers making sorties into Great James Street and the Waterloo Place area. Neither foot nor mounted patrols now operate beyond the bend in William Street to the West of Waterloo Place as a regular feature of life. They claim that all foot patrols are put at risk from snipers from the Rossville Flats area (the ground all around here dominates the William Street area) and that if mounted patrols move in pigs, the pigs are surrounded by yobbos and this means that dismounted men must go with them with the consequential sniper reaction. They claim that the bombers (and of course there are only one or two every day) are mostly teenagers carrying small 5-10 pound devices who operate in the thickness of the shopping crowds and cannot be detected by the considerable number of three-man infantry patrols. Because of the number of ruined buildings and back alleys which lead into the general area from the Bogside they claim it is impossible to either confine public movement or control it. In addition the vast majority of the people in the shopping area not only give no help to our patrols but, if they saw a youth with a very small bag which might contain a bomb, they would be likely to shield the youths movements from the view of our patrols. We now have 52 men patrolling in this very small area constantly – a very large number of patrols as I saw myself.

3. I met Mr Ferris and three of his colleagues who represent the traders of Strand Road, who produced the usual pessimistic message. We discussed what could be done to inhibit or deter the bombers operating in this area and I stressed the following:

- a. All owners of premises must impose restrictions on their doors. I visited Littlewoods myself (in Waterloo Place) and there was no restriction of movement at all and hundreds of people moving in and out all the time.
- b. I agreed to the construction of two gates in an alley which runs up the West rear of Strand Road. This meets one of their requirements. The gates will be in position this week.
- c. I said I would examine the practicability of having more OPs and a possible position established at the West end of William Street.
- d. I gave them the usual encouraging talk about the Province as a whole.

They were reasonably satisfied because they had got more than they had expected – although they stressed that it is not enough. For instance they want at a minimum the Rossville Flats cleared (5,000 people live in them and a soldier has never entered them in the history of Londonderry) and ideally the Creggan and Bogside occupied. They also wanted curfews and shooting on sight.

4. The IS situation in Londonderry is one of armed gunmen dominating the Creggan and Bogside backed and protected by the vast majority of the population in these two areas, and of bombers and gunmen making occasional sorties out of these hard core areas to cause incidents, mainly in the shopping areas of the Strand, William Street (only two shops now operating) and Great James Street. This situation is difficult enough but is not beyond our capacity to deal with using normal IS methods and equipment, although I feel it probably needs the establishment of a further military base at the West end of William Street (This is now being examined as a matter of urgency, the Stardust Club being the likely choice).

5. However, the Londonderry situation is further complicated by one additional ingredient. This is the Derry Young Hooligans (DYH). Gangs of tough, teenaged youths permanently unemployed, have developed sophisticated tactics of brick and stone throwing, destruction and arson. Under cover of snipers in nearby buildings, they operate just beyond the hard core areas and extend the radius of anarchy by degrees into additional streets and areas. Against the DYH – described by the People's Democracy as 'Brave fighters in the Republican cause' – the Army in Londonderry is for the moment virtually incapable. This incapacity undermines our ability to deal with the gunmen and bombers and threatens what is left of law and order on the West bank of the River Foyle.

6. The weapons at our disposal – CS gas and baton rounds – are ineffective. This is because the DYH operate mainly in open areas where they can avoid the gas (and some have respirators, many other make-shift wet rag masks) and in open order beyond the accurate range of baton rounds. Alternatively, they operate in built up areas where, because of their tactics and the personal protection they have, CS gas has to be used in vast quantities and to such an extent that it seeps into nearby buildings and affects innocent people, often women and children. Attempts to close with the DYH bring the troops into the killing zones of the snipers. As I understand it, the commander of a body of troops called out to restore law and order has a duty to use minimum force but he also has a duty to restore law and order. We have fulfilled the first duty but are failing in the second. I am coming to the conclusion that the minimum force necessary to achieve a restoration of law and order is to shoot selected ring leaders amongst the DYH, after clear warnings have been issued. I believe we would be justified in using 7.62mm but in view of the devastating effects of this weapon and the danger of rounds killing more than the person aimed at, I believe we must consider issuing rifles adapted to fire HV .22 inch ammunition to sufficient members of the unit dealing with this problem, to enable ring leaders to be engaged with this less lethal ammunition. Thirty of these weapons have already been sent to 8 Infantry Brigade this weekend for zeroing and familiarization training. They, of course, will not be used operationally without authorisation.

7. If this course is implemented, as I believe it may have to be, we would have to accept the possibility that .22 rounds may be lethal. In other words, we would be reverting to the methods of IS found successful on many occasions overseas, but would merely be trying to minimize the lethal effects by using the .22 round. I am convinced that our duty to restore law and order requires us to consider this step.

8. We have also to face the possibility of a NICRA march from the Creggan to the Guildhall Square at 1400 hours on Sunday 16th January 1972. This would be followed by a rally which will be addressed by Members of Parliament and leading members of NICRA. I told Commander 8 Brigade that he was to prepare a plan over this weekend based on the assumption that the march was to be stopped as near to its starting point as was practical and taking into account the likelihood of some form of battle (therefore he must choose a place of tactical advantage) and also the fact that the minimum damage must be done to the shopping centre. This plan is due to be with me at 1400 hours on Monday and will also forecast the force levels required for it.

I have issued a warning order to 1 Kings Own Border (who become operational on the 13th as Province Reserve) and 1 Para. I have asked D Int to get the best possible intelligence of the possible strengths of the march and its real intentions. As a result D Int went to Londonderry yesterday and will report today. I understand that the SB warnings I had about the march may well prove to be unfounded. It is the opinion of the senior commanders in Londonderry, that if the march takes place, however good the intentions of NICRA may be, the DYH backed up by the gunmen will undoubtedly take over control at an early stage.

9. In the meantime I have issued very firm directions to the Brigade Commander that he is to take all possible steps within his capability to inhibit and deter the operations of the bombers.”

¹ G48.299–301

9.105 It is clear to us from the first two paragraphs of General Ford’s memorandum that he regarded the response of the security forces in Londonderry as unsatisfactory.

9.106 That General Ford had this impression was evident to Captain INQ 406, the Operations Officer for 22 Lt AD Regt. He discussed General Ford’s visit with Colonel Ferguson and gained the impression that General Ford “*felt that we were taking too soft a line*”¹ and “*felt [the Army] were not doing very well*” in that “*up until then we had had little success in either suppressing the rioting or either preventing bombings or capturing [the bombers]*”.²

¹ C406.3

² Day 274/4

9.107 Doubtless General Ford’s view of the situation was reinforced by the views expressed by representatives of the Strand Traders’ Association; however, it was already acknowledged in military circles that the security situation in Londonderry differed from that in Belfast in that the great majority of the population on the west bank of the Foyle was hostile to the security forces. Even though these differences were recognised, dissatisfaction about the situation in Londonderry had been expressed in political and military circles in Stormont and at HQNI. Brigadier Frank Kitson, the Officer Commanding 39th Infantry Brigade, for example, commented to General Ford, “... *no-one seems to sort out Londonderry*”.¹ Later in January 1972, Lieutenant Colonel INQ 1873, an Information Policy officer at HQNI, noted in his diary that “*8 Bde seem incapable of getting any operation right*”.² When he gave oral evidence to this Inquiry he was asked about this comment and he replied that “*it was a sort of general comment in the headquarters*”.³

Captain Mike Jackson, the Adjutant of 1 PARA, told the *Sunday Times* in 1972 that there were no no-go areas in Belfast and that 1 PARA held “*a certain contempt*” for the fact that no-go areas existed elsewhere.⁴

¹ Day 253/27

³ Day 242/37

² C1873.12

⁴ CJ1.16

9.108 Robert Ferris, the Secretary of the Strand Traders’ Association in 1972, gave evidence to this Inquiry and denied that the proposals to clear the Rossville Flats, establish curfews and shoot on sight were made at the meeting by any of the traders’ representatives. He said that the traders never expressed views on the management of security issues but would leave it to the security forces to make proposals.¹ Perhaps Robert Ferris’s memory is faulty or the remarks were made on the margins of the meeting, but we are sure that one or other of the members of the Association made those remarks to General Ford at some time before, during or after the meeting. The reason why we are sure is that, although General Ford could not, in evidence to this Inquiry, remember those measures being proposed, we have seen manuscript notes, which we are sure are copies of notes he made while returning from Londonderry, and which do record these proposals. This note of the proposals is followed by the words, “*Said this was impossible*”.²

¹ AF44.2; Day 200/17-18

² Day 253/45-46; B1208.063

9.109 Colonel Ferguson and Chief Superintendent Lagan met General Ford after his meeting with the representatives of the Association. Although Colonel Ferguson, in his written evidence to this Inquiry, did remember General Ford repeating “*some of the points made*” by the traders’ representatives,¹ he did not recall the proposals to clear the Rossville Flats or to shoot on sight, and thought that he “*would have recalled these sort of measures*”² had General Ford raised them. Colonel Ferguson’s evidence, which we accept, indicates, as do the manuscript notes, that General Ford did not take seriously these proposals voiced on the occasion of the meeting with the Strand Traders’ Association.

¹ B1122.6

² Day 281/36

9.110 We cannot say that the representations of the Strand Traders’ Association caused General Ford to write in paragraph 6 of his memorandum that he was coming to the conclusion that the minimum force necessary to restore law and order was the shooting of ringleaders. At most, the representations made by the traders confirmed General Ford’s belief that firmer measures had to be adopted. We are satisfied that General Ford was not prepared to countenance the measures put forward by the traders; however, the traders’ insistence that the security forces needed to take much stronger steps may have reinforced his own view that that was the case.

9.111 In paragraphs 4–7 of the memorandum, General Ford expressed the view that the security situation as he described and understood it could, with the exception of the problems caused by the “Derry Young Hooligans”, be dealt with using normal internal security methods and equipment. He considered that the problems presented by the “Derry Young Hooligans” could not be solved by any means currently in use. The only suggestion he made to solve these problems was to shoot selected ringleaders and though it is clear that he appreciated that this would need authorisation, he had taken the preliminary step of obtaining weapons able to fire the less lethal .22in ammunition. There is no indication in the memorandum that General Ford had the Yellow Card in mind when he drafted this paper. However, he accepted, in his oral evidence to this Inquiry, that the shooting of ringleaders was contrary to the Yellow Card as it then existed and that his idea could not be implemented without alteration of the Card.¹

¹ [Day 253/56-57](#)

9.112 General Ford seemed at one stage in his oral evidence to this Inquiry to be suggesting that weapons firing bullets of .22in calibre would be used to wound rather than kill, but, as the memorandum itself acknowledged, such bullets may be lethal. In our view the chief so-called “advantage” of using .22in ammunition was to avoid or reduce the risk of the bullet killing not only the target but also, by passing through with sufficient momentum (a “shoot through”), hitting and perhaps even killing someone behind the target.¹

¹ [Day 253/56-57](#); [Day 260/119-120](#)

9.113 In paragraph 8 of the memorandum, General Ford referred to having given Warning Orders to 1 KOB and to 1 PARA. In his written evidence to this Inquiry, General Ford described the purpose and effect of a Warning Order:¹

“A ‘Warning Order’ is a standing operational procedure. If a commander thinks it likely, for example, that a subordinate will need reinforcements to carry out a plan, then it is good policy to give that person maximum time to prepare, hence the Warning Order ... The type of thing that it would have said would be that the Battalion should be ready to move to Londonderry on day X for an operation and might be deployed for Y days. This then enables the Brigade HQ to adjust its plans and for the Battalion Commander to start thinking of the logistics of making his men available, such as provision of vehicles, petrol, rations and so on.”

¹ [B1208.036](#)

9.114 We deal below with the question whether this memorandum was distributed to or discussed with others apart from General Tuzo.

The Northern Ireland Civil Rights Association's plan for a march on 16th January 1972

- 9.115** General Ford's memorandum contains a reference to a proposed NICRA march in Londonderry on Saturday 16th January.¹

¹ [G48.301](#)

- 9.116** The minutes of the meeting of the NICRA Executive Committee on 7th January 1972 include the following entry:¹

"K. McCorry reported that Derry CRA put in a request for a march on 16th Jan. It was recommended that this date should be put back to 30th Jan to allow adequate organisation. L. Stewart, M. Davidson, F. O'Kane, F. Gogarty and K. McCorry agreed to meet the Derry Committee."

¹ [GEN5.27](#)

- 9.117** We heard evidence from members of the NICRA Executive Committee and members of the Derry Civil Rights Association (Derry CRA) about the reason for the change of date. Many of these witnesses could no longer recall the change of date, or the reason for it. However, the evidence of those who remembered the change¹ indicated that the march had been put back solely so that NICRA could assure itself that all arrangements necessary for a safe march were made. In her statement to this Inquiry Brid Ruddy, a member of the NICRA Executive Committee, told us:²

"The [minute of] the meeting [of 7th January 1972] shows that the date of the Derry march was changed to give people time to organise themselves. I remember this happening and it shows that our whole concern all the time was proper organisation, protection, dignity and safety."

¹ Finbar O'Kane, a member of the NICRA Executive Committee and Chairman of North Derry Civil Rights Association, thought that the Derry march may have been postponed because of the recent opening of Magilligan Internment Camp (and, by implication, because in mid-January 1972 NICRA was focusing its efforts on a protest at Magilligan) ([AO47.10](#)). However, there is no indication in the NICRA Executive Committee

minutes, either of the meeting on 7th January 1972 or of the meeting on 14th January 1972 ([GEN5.29](#)), that Magilligan was a factor; the Magilligan march was not even mentioned in the minutes of either of these meetings. See also the evidence of Jimmy Doris ([AD189.7](#)).

² [AR39.11](#)

9.118 Another member of the NICRA Executive Committee, Rory McShane, told this Inquiry that “*people wanted to satisfy themselves that the Derry CRA could organise the march adequately*”.¹

¹ [Day 128/9](#)

9.119 In his written evidence to this Inquiry, Chief Superintendent Lagan recorded that he understood that the 30th January march had initially been planned to take place on an earlier date but that there had been a clash with another event so the date was changed.¹ In his oral evidence to the Widgery Inquiry, Chief Superintendent Lagan said: “*There had been mention of another organisation having a meeting on a previous day.*”² He did not identify that organisation and it seems to us that he was wrong in his belief that the date was changed because of a clash of events.

¹ [JL1.6](#)

² [JL1.34](#)

9.120 No clear evidence emerged about the time at which a march in Londonderry was first proposed. The recollection of Kevin Boyle (a member of the NICRA Executive Committee from 1969) was that NICRA had first discussed such a march in early or mid December 1971 and had decided at that time that there should be three marches, one in each of Belfast, Londonderry and Newry.¹ While the NICRA Executive Committee may have taken this decision in principle, the minutes of NICRA’s meeting on 7th January 1972 suggest that the proposal for the 16th January march came not from NICRA but from the Derry CRA.

¹ [KB2.1-3](#); [KB2.7](#)

9.121 It is clear from General Ford’s memorandum that by 7th January 1972 the security forces were aware of the proposal for a march on 16th January. The NICRA minutes indicate that, by the end of the meeting of the NICRA Executive Committee on 7th January, the decision had been taken to hold the march on 30th January. We heard no evidence from any member of the Derry CRA or NICRA to indicate how the security forces came to learn of a march planned for 16th January. In his written evidence to this Inquiry, Chief Superintendent Lagan told us:¹

“I first became aware that NICRA was intending to hold a march on 30.1.72 (‘the march’) about 1 week to 10 days before the march. The march was originally planned for an earlier date but it clashed with another event so the date was changed. NICRA would not have given the RUC formal notice of the march. Information about it would probably have come to me via RUC channels having originated possibly from an officer on the ground or from the press.”

¹ [JL1.6](#)

9.122 There was, however, evidence from the organisers of the march to suggest that NICRA or the Derry CRA would have informed the police of their plans. Johnny Bond, the chairman of the Derry CRA at the time of Bloody Sunday, and husband of Brigid Bond, one of the principal organisers of the march, told this Inquiry that his wife might have told Chief Superintendent Lagan of the route of the march (and therefore, presumably, of its date).¹ There was other evidence that there was a good working relationship and mutual respect between Brigid Bond and Chief Superintendent Lagan² and evidence that, once the march on 30th January had been announced, detailed discussions took place between the two of them.³

¹ [AB115.3](#)

² For example, from Michael Havord, one of the Derry CRA’s press officers ([Day 125/31, 81-82](#)) and from Edwina Stewart, Honorary Secretary of NICRA ([KS5.5](#)).

³ Statement of Kevin McCorry to this Inquiry ([KM2.17](#)) and of Edwina Stewart to this Inquiry ([KS5.5](#)).

9.123 It seems possible that at some time before the NICRA Executive Committee meeting on 7th January Chief Superintendent Lagan came to learn of the proposed 16th January march through RUC channels, or perhaps through Brigid Bond, and that he passed this information on to the Army. However, this can be little more than speculation.

The Army’s plans for dealing with a march on 16th January 1972

9.124 General Ford, according to his memorandum, ordered Brigadier MacLellan to prepare a plan that would involve stopping the march (then planned for 16th January) close to its starting point. It is also apparent from the memorandum that General Ford had in mind from this early stage the deployment of additional forces to assist in dealing with the march, namely 1 KOB (the Province Reserve) and 1 PARA (39 Inf Bde Reserve). He appeared, though, willing to wait for Brigadier MacLellan to determine the force levels that 8th Infantry Brigade would need to contain the march.

9.125 In his memorandum General Ford predicted that the “*DYH backed up by the gunmen will undoubtedly take over control at an early stage*”. It is difficult to know whether this was a suggestion that gunmen would use the march as an opportunity to snipe at soldiers or that paramilitaries would use the opportunities created by the riots that might attend the march. In our view there would have been no basis for the former. If General Ford meant that there would be riots after the march and that there was a strong prospect that gunmen would use the cover of rioters to fire at soldiers, there was much to support this view. The evidence available to this Inquiry indicates that, in the months leading to the march on 30th January 1972, republican paramilitaries had sheltered behind rioters and hooligans; it does not indicate that they had ever used the cover of marchers.¹

¹ [G45B.285.1.7](#); [G71E.444.12](#)

9.126 We also received evidence from a number of members of the Official and Provisional IRA, who distinguished between a march – which paramilitaries would not use as cover to engage the security forces – and the rioting that might follow a march – which might be used as cover by snipers. See, for example, the evidence of PIRA 8,¹ PIRA 19² and PIRA 24³ and the anonymous Official IRA member who spoke to Praxis Films Ltd.⁴ We accept the evidence of Brigadier MacLellan to this Inquiry that he did not expect the IRA on 30th January to shoot from behind the marchers; he thought that they might shelter behind hooligans or nearby buildings.⁵

¹ [Day 418/7](#)

⁴ [O17A.1](#)

² [Day 416/140](#)

⁵ [B1279.034](#); [Day 261/81](#)

³ [APIRA24.3](#)

9.127 In his memorandum General Ford appeared only to envisage that the march was to be stopped at an early stage. He put forward no alternative strategy. He acknowledged that a “*battle*” might ensue. Even so, he did not invite Brigadier MacLellan to put forward any alternative plan, such as one that would allow the march to continue but would make provision for the subsequent arrest of ringleaders.

9.128 We do not criticise General Ford’s approach in this regard. In the circumstances it seems to us that he had no choice but to order that arrangements be made to stop the march. He had to ensure that the ban on marches was enforced. He believed the planned march to be unlawful. The Army paper of 5th January 1972 (“Measures to Control Marches”), to which reference has been made above, had proposed that the ban on marches be continued and firmly enforced, the author recognising that violence might result.¹ It was

also recognised that not implementing the ban might lead to even greater violence. It was clearly realistic for General Ford to acknowledge that violence might follow the stopping of the march and to order the Brigadier to make plans accordingly.

¹ [G53.318](#)

9.129 General Ford later recalled, in conversation with a journalist named Desmond Hamill, that there was pressure from Stormont at that time for tough action to be taken against the hooligans; he told the journalist that he had had the impression that the way of life of the local people was being destroyed and that he had believed that something had to be done to prevent the situation in Londonderry from becoming out of control.¹ In his evidence to this Inquiry, he insisted that it had been for General Tuzo to deal with the pressure from Stormont. He said that he and General Tuzo had dealt purely with the situation as they saw it and had acted in accordance with the “*Course 1½*” suggested by General Ford² which they had recommended in December 1971 and which the Government had by that time adopted.³ However, it seems to us that that pressure from Stormont must have influenced General Ford’s thinking; just as did his impression that the lives of local people were being destroyed.

¹ [B1208.003.015](#)

³ [Day 256/6](#)

² [G41.272](#)

9.130 General Ford ordered that a paper outlining the Brigadier’s plans be provided to him by 10th January 1972. There is evidence that 8th Infantry Brigade was aware, before General Ford wrote his memorandum, of the march proposed for 16th January in Londonderry. Colonel Ferguson, the Commanding Officer of 22 Lt AD Regt, told the Inquiry that during the preceding week he had been required, probably by the Brigade Major, Colonel Steele, to produce a plan to deal with the march.¹ His recollection was that he was not asked to consider stopping the march at or close to its source; he drafted a plan to deal with a march that was going to be stopped at a later stage. His plan envisaged that a barrier would be set up at the eastern end of William Street; and that the ringleaders at the head of the march would be trapped and arrested in a pincer movement. The aim of his plan was to prevent the marchers from meeting at the Guildhall and to arrest the ringleaders.²

¹ [Day 281/18-30](#); [B1122.5-6](#)

² [Day 281/29-30](#)

9.131 Colonel Ferguson’s plan has not survived. However, on 10th January 1972 Colonel Steele submitted a paper in which he put forward two alternative proposals for dealing with the march.¹ He wrote:

“The march is to be dealt with in one of two ways:-

CASE A The march is halted on ground of our own choosing, and none of the marchers are allowed to proceed to the meeting place. Arrests of ringleaders are made.

CASE B The march is halted on ground of our own choosing. Marchers are then allowed to trickle through the check points, being channelled on an accepted route to the meeting place. Arrests of ringleaders are made at a later stage.”

¹ [G49.302:306](#); [FS8.732](#)

- 9.132** The paper also recommended that the march be allowed to proceed if it stayed entirely within the Bogside and the Creggan areas and that the propaganda penalties of allowing it to do so be accepted.
- 9.133** The first of these proposals was very similar to that apparently put forward by Colonel Ferguson. It is not known whether Colonel Steele in fact based this proposal on Colonel Ferguson’s plan.
- 9.134** In his paper, Colonel Steele noted that the local RUC had no information either about the likely route or about the numbers of marchers likely to attend. He heeded the RUC’s warning that the Army’s response to the march might have an effect on those numbers, and estimated that 1,000 might march if left alone but that 2,000–3,000 might turn out if the Army’s intention to stop the march were publicised in advance.
- 9.135** Colonel Steele noted in the “*Discussion*” part of the paper:¹

“b. The hooligan element will be present from the start; if not in the van of the march they will certainly be on the flanks and in the rear. Some gunmen are certain to be sheltering behind the hooligan ranks.

...

e. Although no guidance has yet been issued on RUC channels, it is clear that the RUC must play a big part in attempting to dissuade the Organisers from holding an illegal parade. Subsequently, if the Prohibition is defied, the RUC should be in the van of the Security Forces, attempting to halt the march by means of a linked-arm cordon. Massive RUC reinforcements will be required by Comd N Div [Chief Superintendent Lagan] if he is to conduct such an operation.

f. Only in the event of the RUC cordon being broken will Army action follow. This RUC cordon technique will not be used if there is a threat from gunmen. In this event Army action will be necessary from the time the entire parade has got under way.”

¹ G49.302-303

9.136 Colonel Steele concluded:¹

“13. Whichever way this event is to be handled the following assumptions can be made:-

- a. The march will have to be halted at some stage on ground of our own choosing.
- b. Hooligan violence is inevitable, probably during the event itself, and definitely during the withdrawal phase after the meeting.
- c. Bombing attacks and shooting incidents may intensify during the event.

14. The Force levels required to cover the event itself can be met from the available troops within the Brigade. However, all troops will be deployed and there will be the Brigade reserve to cover the unexpected eg a violent Catholic reaction in the City to other incidents throughout the Brigade Area.”

¹ G49.305

9.137 It is clear that at this stage the security forces predicted that the march would be relatively small. The Army intended that the RUC should handle the march and that police officers would be replaced or reinforced by troops only if the RUC cordon were breached or if the security forces were threatened by gunmen. There was no role for 1 PARA. The plan required two companies of the Province Reserve to be held at Drumahoe in readiness either to deal with a very large and angry reaction to the stopping of the march, should one occur, or to cover any incidents that occurred that day in the Waterside or Strabane.¹ No unit was given the task of acting as an arrest force. While the plan contemplated the arrest of ringleaders, either at the time of the march or subsequently, there was no proposal for the large-scale arrest of rioters or hooligans.

¹ G49.305

9.138 It was submitted to us on behalf of some of the families that General Ford decided to stop the march, not in order to enforce law and order, but “*in order to demonstrate that the army was able to police the ban on marches and the army was able to police Derry, regardless of the consequences*”.¹

¹ FS1.716

- 9.139 It was undoubtedly true that General Ford wished to demonstrate that the Army could prevent the marchers from reaching the Guildhall and could arrest rioters. This wish was not inconsistent with a desire to enforce law and order, which General Ford clearly had. We are of the view that he decided to stop the march for a number of reasons, including those set out in the previous paragraphs. He wished to preserve the security of the city and to prevent further damage from being done to its centre. He believed that if the march were not stopped there might be further riots in William Street with consequent damage to the buildings in that area. We consider his concern about further damage to have been a legitimate one. There was no evidence before us to suggest that General Ford wished to demonstrate the Army's ability to police the march "*regardless of the consequences*".

Meeting of the Director of Operations Intelligence Committee (Northern Ireland) on 10th January 1972

- 9.140 The Director of Operations Intelligence Committee (Northern Ireland), chaired by the Director of Intelligence, met on 10th January 1972. The holder of this post in January 1972 was a witness to this Inquiry and was granted anonymity by the Tribunal. He was identified publicly by the Inquiry only as David.
- 9.141 In 1972 David was a senior member of the Security Service whose rank was equivalent to that of a Major General. His role was to co-ordinate the intelligence-gathering work of the security forces in Northern Ireland. He headed a department staffed by Security Service and military officers. He and his staff liaised with the RUC and, in particular, with Special Branch.¹
- ¹ [KD2.1](#)
- 9.142 On 10th January 1972 the committee considered and approved an assessment in which it was noted that the anti-internment campaign was gaining momentum. The author of the assessment reported that anti-internment marches were planned that month in Lurgan and Armagh and that:¹

"... A further march which may be contemplated is in Londonderry on 16 January sponsored by NICRA and the James Connolly Republican Club; but there remains some doubt as to whether the organisers will pursue the idea."

¹ [G50A.309.5](#)

9.143 The author went on to observe that that Londonderry march, should it proceed, would present “a very serious security problem”.¹ The James Connolly Republican Club was recognised to represent the political side of the Official Republican Movement; many members of the Official IRA in Londonderry were also members of this club.

¹ [G50A.309.8](#)

9.144 The identity of the author and the source of his information are unknown. Colonel INQ 2241, a member of the Director of Operations Intelligence Committee (Northern Ireland) and the Colonel in charge of the military intelligence staff at HQNI, described the assessments provided to this committee as having been “produced” by the Director of Intelligence.¹ It was not clear from Colonel INQ 2241’s evidence whether the Director of Intelligence was the author or simply responsible for the production of assessments compiled by one of his staff. David himself, in his oral evidence to this Inquiry, said that he could not recall the identity of the author of the assessments.²

¹ [C2241.3](#)

² [Day 330/14-15](#)

Meeting of the GEN 47 Committee on 11th January 1972

9.145 There was a meeting of the GEN 47 Committee (the United Kingdom Cabinet Committee on Northern Ireland) on 11th January 1972. In the brief that he prepared for the Prime Minister in anticipation of this meeting, the Cabinet Secretary, Sir Burke Trend, addressed the prospects for political progress. He expressed pessimism as to whether there was any long-term future for the inter-party talks, especially considering that the SDLP would not enter these discussions until internment was ended, something that was unacceptable at that time to the United Kingdom government and public opinion. This being the case, there would, eventually, be a need for a different approach.

9.146 Sir Burke Trend commented that the problems of whether this should involve an end to the Stormont system or an alteration of the borders remained, as did the desire among United Kingdom ministers to avoid direct rule. He also felt that the Catholic population did not believe that any reforms would be pursued after the IRA had been defeated. In an attempt to resolve these concerns, he drew on Sir Philip Allen’s December paper on constitutional devices to protect the minority¹ and suggested that detailed proposals be drawn up for legislation that would allow the minority community a reasonable share of representation in both Parliament and, crucially, in government. This could be augmented by blocking devices that would ensure that the majority party or parties could not frustrate the proposal, and the provision of similar arrangements for other public authorities. If such legislation was prepared at Westminster, rather than in Northern Ireland, the Catholic

population might accept that it would be implemented when – but not until – the IRA was defeated. Although many unionists would be opposed to the diminution of the authority of the Stormont Government, Sir Burke Trend hoped that there might be sufficient support to carry the initiative, with moderate opinion accepting that this was the price of retaining their separate Parliament and some autonomy. In any event, Sir Burke Trend advised that this avenue would be “*no less unpromising*” in the medium term than the inter-party talks, and suggested that it might be worth preparing a draft Bill for ministers to discuss. If they did decide to pursue this course, thought would then need to be given to how and when to launch the initiative.²

¹ [G44B.282.15](#)

² [G49B.306.4-9](#)

9.147 The brief also drew attention to the fact that a decision was needed on the renewal of the ban on marches. Sir Burke Trend’s advice was that:¹

”This should surely be renewed – and enforced? The relatively gentle handling of the anti-internment march on Christmas Day was perhaps to be excused by the nature of the occasion. But, if we are putting our money on Mr. Faulkner’s survival, we cannot afford to expose him indefinitely to the accusation that he is using kid gloves to deal with provocation and intimidation. As you have yourself observed, the ringleaders of such marches ought to be prosecuted with the minimum of delay. (In this connection the dissidents’ latest tactic of using children as decoys and shields could prove a serious obstacle to an attempt to deal resolutely with protest and obstruction. How does the CGS advise that the soldiers should react?).”

¹ [G49B.306.8](#)

9.148 This Inquiry has found no evidence to substantiate the reference to the use of children as decoys and shields.

9.149 The GEN 47 Committee meeting of 11th January 1972 was the first of the New Year. There was a report by the CGS on the security situation, to the effect that since Christmas, shooting and bombing incidents had been relatively limited in terms of number and that the attrition of the Provisional IRA was continuing.¹ The Prime Minister summed up the discussion in this part of the meeting in the following terms:²

“... the relative quietness of the security situation in Belfast underlined the importance of the search for a political initiative which the Meeting would discuss as the next item on its agenda. A military operation to reimpose law and order in Londonderry might in time become inevitable, but should not be undertaken while there still remained some prospect of a successful political initiative. Meanwhile the Home Secretary should endeavour to secure that the Northern Ireland authorities hastened the initiation of prosecutions in respect of the NICRA march on 2 January.”

¹ G50.308

² G50.309

- 9.150** There followed a discussion of the political situation, including the proposed inter-party talks, and other matters including a proposed visit by Brian Faulkner to the United States and internment.¹

¹ CS2.135

Meeting of the Stormont Cabinet on 11th January 1972

- 9.151** The Stormont Cabinet met on 11th January 1972. According to the minutes the Government Security Adviser, William Stout, supplied details of certain measures under discussion. It was suggested to us on behalf of some of the families¹ that this was a reference to the memorandum prepared by General Ford after his visit to Londonderry but in our view the reference was to the Army paper on measures to control marches,² which was due to be tabled at the JSC later in the week.

¹ FS4.43

² G53.318-319

Meeting of the Joint Security Committee on 13th January 1972

- 9.152** The Army paper on measures to control marches¹ was tabled and discussed by the JSC on 13th January 1972.

¹ G53.318

- 9.153** The JSC agreed that the ban should be renewed for another year and that operational plans to prevent breaches of the ban should be worked out in detail as soon as possible. It was clear that by this time Brian Faulkner had concluded that it was necessary to continue the ban, and the emphasis was now on enforcement. During the meeting, the issue of opposition from the Orange Order was raised in the context of unionist dissatisfaction about the ability of nationalists to flout the law without apparent sanction. The minutes of the meeting reflected the fact that, in order to secure the renewal of the

ban, the military were under pressure from unionists to implement it fully in the context of civil rights marches, by stopping the marches completely and arresting those who broke the law. It was recorded that opposition from the Orange Order “*could be met to some extent by ensuring that there was no defiance of the ban by anyone*”, and that “*Loyalist opinion had been disturbed by the failure to stop completely the CRA march on 2 January*”. In response, the GOC told the meeting that “*no absolute guarantee to this effect could be given, but assurance could be given that measures will be adopted which will make it very difficult to carry out a march without incurring prosecutions and without being stopped at some stage on route, depending on tactical assessment*”.¹

¹ [G52.315](#)

- 9.154** Moving on from the discussion of the ban on marches, the GOC gave the committee a situation report and a summary of recent incidents. In the course of this he is recorded as having said that “*following a meeting with businessmen in Londonderry certain measures were in mind with a view to putting down the troublesome hooligan element there. It was a very difficult problem to solve within the law.*”¹

¹ [G52.316](#)

- 9.155** The meeting to which the GOC referred must have been General Ford’s meeting with the Strand Traders’ Association on 7th January 1972. There is no indication that the GOC expanded upon any details of the measures that were “*in mind*”, and this phrase, together with the observation that the problem was a very difficult one to solve within the law, implies that the meeting was neither given nor asked to approve any particular proposals. None of those who attended the meeting and gave evidence to this Inquiry could recall exactly what the GOC had said. These witnesses were: John Taylor, then Minister of State at the Ministry of Home Affairs;¹ Sir Graham Shillington, then RUC Chief Constable;² Kenneth Bloomfield, then Deputy Cabinet Secretary;³ David Gilliland, then a Government Press Officer;⁴ Brian Cummings, then the Security Secretary to Brian Faulkner;⁵ and Thomas Cromey, then Secretary to the JSC.⁶ However, Kenneth Bloomfield told us and we accept, that until he was interviewed for the purposes of this Inquiry, he had not seen General Ford’s memorandum and was wholly unaware of any proposal to shoot ringleaders on sight.⁷

¹ [Day 197/9-10](#)

² [JS8.14](#)

³ [Day 216/105-110](#)

⁴ [Day 215/154](#)

⁵ [Day 389/20-25](#)

⁶ [KC13.1-4](#)

⁷ [Day 216/49](#)

9.156 By the time of this meeting, General Tuzo had undoubtedly seen the memorandum in which General Ford suggested that the shooting of ringleaders might have to be considered. There is no indication that General Tuzo had any intention of adopting the suggestion; he might well, though, have had the memorandum (and the almost certain illegality of the suggested course) in mind when he referred to the difficulty of solving the problem “*within the law*”.

9.157 This meeting of the JSC was attended by the United Kingdom Representative in Northern Ireland, Howard Smith. Kelvin White, who was Head of the Republic of Ireland Department of the Foreign and Commonwealth Office, when asked whether the measures mentioned in General Ford’s memorandum would have been relayed to Whitehall, said:¹

“I will happily say that Mr Smith would never have let such an idea get any further. But his first move would be to take Tuzo outside and say, ‘Have you gone mad?’”

¹ [Day 269/132](#)

9.158 Howard Smith is deceased and did not give evidence to this Inquiry. We do not know for sure whether General Tuzo did discuss with him General Ford’s suggestion concerning the shooting of ringleaders, but since there is nothing to suggest that General Tuzo regarded this suggestion as a viable course of action, this seems unlikely. However, we are satisfied that the JSC did not, at this meeting, consider General Ford’s memorandum or the proposals set out in that document. There is no evidence that General Ford’s memorandum went beyond General Tuzo.

Information available to the security forces about the proposed 16th January march and the change of date

The Director of Operations Intelligence Committee’s assessment

9.159 As we have noted above, the assessment presented to the Director of Operations Intelligence Committee (Northern Ireland) at its meeting on 10th January 1972 included the observation that the Londonderry march, should it proceed, would present “*a very serious security problem*”.¹

¹ [G50A.309.8](#)

9.160 The HQNI IntSum of 13th January 1972 (2/72) contained the following paragraph:¹

“24. The anti-internment campaign is gathering momentum and the marches planned, particularly that in Londonderry, will present serious security problems.”

¹ G55.339

9.161 It appears from the similarity of wording in the two documents that at least some of the material contained in the assessment for the Director of Operations Intelligence Committee was also made available to Major INQ 2555, the officer who compiled the HQNI IntSums.

9.162 An annex to the 13th January 1972 HQNI IntSum recorded: “*Sun 30 Jan. Londonderry. Proposed CRA march from Creggan to Guildhall Square at 1400 hrs. This march was originally planned for 16 Jan 72.*”¹ It is clear from this annex that HQNI was aware on 13th January 1972 of the postponement of the march. This information had not reached the JSC when it met at 10.30am on that day. The minutes of the JSC meeting of 13th January 1972 recorded:²

“A Rally in Lurgan on 15 January and a March in Londonderry on 16 January, both under CRA auspices, gave cause for concern, but latest information was that they might not take place. A proposed March in Armagh on 22 January will require firm action.”

¹ G52.316

² G55.34

Intelligence sought by the Security Service

9.163 In paragraph 8 of his memorandum relating to his visit to Londonderry on 7th January 1972 General Ford noted that he had asked “*D Int*” to obtain the best possible intelligence about the proposed march; he observed that “*D Int*” had visited Londonderry on the previous day. He also noted that “*the SB [Special Branch] warnings I had about the march may well prove to be unfounded*”.¹

¹ G48.301

9.164 “*D Int*” is an abbreviation for the Director of Intelligence, David. In his evidence David told us that he did not recall having gone to Londonderry in order to obtain such intelligence.¹ However, a telegram sent by David on 10th January 1972 to a Security Service officer, again granted anonymity by this Tribunal and known publicly only as Julian, indicated that David had in fact gone to Londonderry on 9th January 1972. In the telegram David wrote:²

"I WAS OVER THERE [in Londonderry] YESTERDAY AND WAS TOLD BY SPECIAL BRANCH THAT THERE IS SOME DOUBT WHETHER THE MARCH WILL IN FACT TAKE PLACE. THE ORGANISATIONS PRIMARLY [sic] CONCERNED ARE THE JAMES CONNOLLY REPUBLICAN CLUB, DERRY CRA WITH WHICH ARE ASSOCIATED THE SRG AND KINDRED SOULDS [sic] OF THE LUNATIC LEFT. SAM DONNELLY [the Head of Special Branch in Londonderry] HAD SOME COVERAGE BUT ANYTHING THAT YOU CAN DO TO LET US KNOW WHETHER A MARCH IS INTENDED, ITS FORMING UP PLACE AND ROUTE, THE INTENTIONS OF THE ORGANISERS IN THE EVENT OF SECURITY FORCES COUNTER ACTION ETC. WILL BE VERY WELCOME. WE ARE ANXIOUS TO TAKE NO ACTION THAT MIGHT STIMULATE A MARCH WHERE NONE IS INTENDED BUT ANY ACTION THAT YOU CAN TAKE TO SECURE THE INFORMATION WE NEED WITHOUT THIS SIDE EFFECT DESERVES I THINK A HIGH PRIORITY."

¹ Day 330/6

² KJ4.61

- 9.165** When shown this document, David still did not recall having gone to Londonderry.¹ His recollection was that he invariably reported to the GOC and not to General Ford, but he could not remember making any report to the GOC about the proposed march.² No documentary evidence of such a report survives; it might never have existed.

¹ Day 330/70

² Day 330/7

- 9.166** In any event the telegram suggests that on 10th January 1972 David might have had little, if anything, of use to report to the GOC or to General Ford.

- 9.167** We have no evidence to indicate what the Special Branch warnings were to which General Ford referred in his memorandum.

- 9.168** The Security Service officer, Julian, was based in London but made visits to Northern Ireland. Together with another officer, who was identified publicly by the Inquiry only as James, he was involved in running agents in Northern Ireland.¹ In the week beginning 10th January 1972 Julian sought information about the march from a Security Service agent who was based in Londonderry. This agent was known to the Inquiry as "*Observer C*". *Observer C* was the Security Service's principal agent in Londonderry at that time. He usually reported to the Security Service through an intermediary, known to the Inquiry as "*Observer D*".²

¹ KJ4.1

² KJ4.31-32; KJ4.63; Day 325/125

9.169 On 14th January 1972 Julian wrote a report in which he recorded information that had been provided to him by Observer D over the course of two telephone calls. Observer D had reported that Observer C had been able to discover nothing about a march planned for 16 January.¹ However, Observer D had also reported that a large meeting of “*the Officials from Magherafelt and other areas*”, which had taken place in Magherafelt on the evening of 12th January, “*might possibly have some bearing on the matter.*”² (By this time, of course, HQNI was aware that the march was to take place on 30th January.) Observer D had also reported that the gun battle in Londonderry on 12th January had been controlled and organised by the IRA HQ in Arran Court off Central Drive. Julian’s evidence to this Inquiry was that he thought that all of the information recorded in the file note, although provided to him by Observer D, had come from Observer C.³

¹ [KJ4.65](#)

³ [KJ4.36](#)

² [KJ4.65](#)

9.170 On 19th January 1972 Julian made a file note in which he recorded:¹

“Source rang on the morning of 19th January to say that the march which was to have taken place in Londonderry on 16th January would now definitely take place on Sunday, 30th January from Bishopsfield to the Bogside/Creggan. It was being organised by those members of the I.R.A. who had attended the meeting in Magherafelt to which he had previously referred. He hoped to be able to obtain details of the route, time and speakers in due course and would pass them on.

2. He also said that there would be a meeting on Saturday, 22nd January in Bishopsfield probably in the afternoon of fairly high powered people. Further details of this meeting he will obtain if possible and let us have them. Source also said that he thought that Bishopsfield might well be being used as an active base for the I.R.A.”

¹ [KJ4.67](#)

9.171 Julian’s evidence to the Inquiry was that the “*source*” was Observer D. Julian told us that he believed that the information had almost certainly come from Observer C, although the note does not reveal this. He said that he had passed the information on to a junior staff officer in the Intelligence Branch at HQNI.¹

¹ [KJ4.37](#); [Day 326/66](#)

9.172 This is the only reference in the material available to this Inquiry of the march being organised by republican paramilitaries. On 10th January 1972, in his telegram to Julian, David identified the James Connolly Republican Club as being involved in the march. The source of this information is not known. The assessment presented to the Director

of Operations Intelligence Committee (Northern Ireland) on 10th January also identified the James Connolly Republican Club as a sponsor of the march.¹ It is likely that David and the author of that assessment (if a different person) relied on the same source.

¹ [G50A.309.5](#)

9.173 This Inquiry made efforts to obtain further information about the alleged meeting of Official Republicans in Magherafelt but was unable to discover anything further about it. Solicitors acting on behalf of Charles Morrison, Michael Havord and Anthony Martin, who were members of the Derry CRA, informed the Inquiry that their clients said that they had not attended any such meeting. Solicitors acting for the NICRA officers Ivan Barr, Jimmy Doris, Ann Hope, Edwina Stewart and Hugh Logue said that their clients knew nothing of any such meeting and that, according to their clients, Magherafelt was not a place at which the Executive of NICRA ever met. No reply was received to a request for information about the Magherafelt meeting, which the Inquiry made to the solicitors acting on behalf of the Command Staff of the Official IRA.

9.174 Kevin McCorry told us that he was in effect the Chief Executive Officer of NICRA at the time.¹ He was in Londonderry during the week before the march and oversaw the arrangements for the stewarding of the march. He told us that recruitment of stewards for the day was left in the hands of Gerry “The Bird” Doherty, a well-known local Official Republican.² It also appears that members of the Official IRA were recruited and acted as stewards on the march.³ However, we have found no evidence to suggest that any involvement by the Official Republican Movement (or by members of the Official or indeed the Provisional IRA) in the organising or conduct of the march, was or might have been for the purpose of subverting NICRA’s genuine desire to conduct a peaceful, non-violent protest against internment.

¹ [Day 129/128](#)

³ [Paragraph 13.3](#)

² [Day 129/35-36](#); [Day 129/45-55](#)

The Northern Ireland Civil Rights Association’s plans for the march

9.175 We deal elsewhere¹ in this report with the planning by NICRA for the march that eventually took place on 30th January 1972.

¹ [Chapter 13](#)

Assessment in mid-January 1972 by the security forces of the risks posed by the march

- 9.176 The List of Forthcoming Events attached to the Special Branch assessment for the period ending 19th January 1972 recorded:¹

“Sunday, 30th January ... Londonderry. NICRA sponsored anti-internment march from Creggan to Guildhall Square at 2.30 p.m. No trouble anticipated.”

¹ [G66.410-411](#)

- 9.177 This assessment is, of course, inconsistent with earlier assessments, including that contained within the HQNI IntSum dated 13th January 1972, to which we have already referred. The information on which the author based the assertion that no trouble was anticipated is not known. It is also inconsistent with the views expressed in later documents.

- 9.178 Under the heading “*Civil Protest*” the author of 8th Infantry Brigade’s IntSum 100,¹ which was distributed on 19th January 1972 and which dealt with events in the 8th Infantry Brigade area from 12th to 18th January 1972, noted:

“The projected NICRA march from the Creggan to the Guildhall Square, Derry, planned for 16 Jan, has now been re-scheduled for Sunday 30 Jan. The JCRC has also announced that it intends to hold a protest meeting in Bishops Field, Creggan on 22 Jan. In addition to this, the opening of Magilligan Camp as a second internment centre has produced a threat of marches and demonstrations there. The predictable outcry about Magilligan was led by Ivan COOPER MP, who has declared that ‘There is no change in the initial mood of angry determination to cause the greatest possible trouble for the British Army at Magilligan. I can tell you that the Civil Rights Association in North Derry, with my full backing, have plans to cause them plenty of trouble and make them sorry they ever opened a second camp.’

Comment. The meeting in Creggan on 22 Jan is not likely to be the direct cause of any trouble nor is it likely that the ban on marches will be defied on this occasion. However, the normal rioting and hooliganism of a Saturday afternoon will probably be exacerbated as a result of the meeting. The march on 30 Jan from the Creggan to the Guildhall has, on the other hand, been planned in direct defiance of the ban on marches.”

¹ [G61.372](#)

- 9.179 HQNI IntSum 3/72 for the week ending 19th January 1972 included the following paragraph:¹

“Outlook

28. Despite the continuing attrition of men and material, and the consequent effect on morale, both factions of the IRA must be expected to attempt to maintain at least their present level of operations. As in previous weeks, spectacular or dramatic operations, aimed at securing maximum publicity, and boosting morale, may be expected to occur. As security force search and arrest activity continues to affect the IRA’s freedom to act in pursuit of these objectives, the assassination of off-duty security force personnel and selected civilians is likely to become a terrorist tactic. The anti-internment campaign has been given new momentum by the opening of Magilligan Internment Camp. The planned march in Londonderry on 30 Jan 1972 will present a serious security problem.”

¹ G67.416

- 9.180 General Ford told the Widgery Inquiry that the march was first proposed for 16th January 1972 and that he had therefore considered it for a fortnight or more before it actually took place. He continued:¹

“It was the view of the senior Commanders on the spot, and I supported this view, that it was inevitable that at an early stage the IRA and the hooligans would take over control of this illegal march, no matter what the NICRA organisers wished.”

¹ WT10.5

- 9.181 He said to the Widgery Inquiry that he had anticipated shooting by the IRA. He had also expected some form of violence, “*certainly by the hooligans*”, when the march was halted. He had envisaged that emotional speeches at Free Derry Corner might incite members of the crowd to join the hooligans and that rioters would pour down towards the commercial centre.¹

¹ WT10.5

Meeting of the Stormont Cabinet on 18th January 1972

- 9.182 On 18th January 1972 the Stormont Cabinet approved the renewal of the ban on marches.¹ William Stout, the Government Security Adviser, in what appears to be a note prepared for Brian Faulkner’s use, referred to “*what could well be the beginning of a*

series of processions organised by Civil Rights and other ‘front’ organisations of the IRA”.² The note recommended the continuation of the ban on the grounds that without it an intolerable burden would be placed on the security services by the multiplicity of security commitments and the consequent escalation of violence. However, William Stout went on to argue that while accepting the continuation of the ban, the Government had to be assured that it would be effectively imposed. To this end, he referred to the firmer measures proposed in the Army paper on the control of marches, commenting that it should be recognised that such measures might at times precipitate violence in situations that might otherwise have been non-violent, and that this would require anti-riot measures to be employed.³

¹ [G60.365-366](#)

³ [G59A.363.1-4](#)

² [G59A.363.1](#)

9.183 On the same day Brian Faulkner publicly announced the continuation of the ban on marches for a further period of 12 months from the expiry of the existing order on 8th February 1972.¹ This met with strong protests from both communities. Nationalists and civil rights campaigners complained that the ban was an attack on civil liberties and an attempt to repress the new campaign of protest marches. Many unionists and loyalists were angered because, in their perception, the unequal implementation of the measure effectively discriminated against their law-abiding community by prohibiting traditional Loyal Order processions while nationalists were seemingly allowed to march in defiance of the ban with impunity. In Parliament, Brian Faulkner’s decision was criticised by Dr Ian Paisley, William Craig and two of his own backbench MPs.²

¹ [G82.516](#)

² [G71E.444.10](#); [G71E.444.13](#); [G71E.444.15](#); [G81B.511.8](#); [OS4.120](#)

The Home Secretary’s memorandum

9.184 Also on 18th January 1972 the Home Secretary Reginald Maudling circulated a memorandum entitled “NORTHERN IRELAND – POLICY FOR 1972”.¹ This stated that there were only three alternatives, namely to continue on present lines, to seek other Catholic representatives with whom it would be possible to negotiate a settlement, or to devise a solution of their own and ensure that it was carried out, by agreement if possible, but if necessary by direction.²

¹ [G59C.363.8-12](#)

² [G59C.363.8](#)

9.185 The Home Secretary dismissed the first two of these alternatives as not providing the basis for any long-term solution.¹ As to the third, he suggested that there were two prime considerations, namely the total opposition of the Protestants to the disappearance of the border (and their fears that this would be forced on them by the United Kingdom Government), and the fact that the Catholic community were no longer prepared to be second-class citizens.² A further difficulty was that the communities did not agree on the common purpose of maintaining the integrity of the state, a factor that qualified the utility of a comparative analysis with political solutions devised in other countries with communal problems.³ Reginald Maudling argued that while it was unlikely that the majority of Catholics wanted union with the Republic, they were united in demands for formal legal assurances against discrimination and a system that allowed the minority community to participate in the government of the Province.⁴ Any initiative would have to meet these demands while assuaging Protestant fears.⁵ He therefore suggested that a solution would have to comprise three elements, these being reassurance about the border, a change in the composition of government and a redefinition of the powers of government.⁶ Reginald Maudling noted that: *"It is easy to find [a suitable system] in logic, but terribly hard to find one that will work in practice."*⁷

¹ G59C.363.8-9

⁵ G59C.363.9

² G59C.363.9

⁶ G59C.363.10

³ G59C.363.9

⁷ G59C.363.9

⁴ G59C.363.9

9.186 On the border question, Reginald Maudling suggested legislation precluding a change in the border without a plebiscite, with one to be held in 15 to 20 years' time, and thereafter at ten-yearly intervals.¹ However, he acknowledged that this would not actually represent an additional safeguard: the principle of consent had been enshrined in the Ireland Act 1949, and as no Parliament could bind its successors there was no guarantee that the plebiscites would be held, or indeed that a future government would not repeal this Act and allow union with the Republic.² As to a change in the composition of government, he suggested legislation to provide for minority participation in the executive, and rejected the argument that you could not have a forced coalition between those who believed in the continuation of the state and those who believed that it should disappear.³ Reginald Maudling was less definite about altering the powers of the Northern Ireland Government. Although he felt that the structures in the Province should be closer to those prevailing in the rest of the United Kingdom (at a time when there were no devolved assemblies or

parliaments in Wales and Scotland), he did not advocate the abolition of Stormont on the grounds that this would be “*unwise emotionally*”.⁴ However, on the “*basic issue*” of law and order, he wrote that he was “*becoming increasingly of the belief*” that responsibility for these matters should be transferred from Stormont to Westminster.⁵

¹ [G59C.363.10](#)

⁴ [G59C.363.11](#)

² [G59C.363.10](#)

⁵ [G59C.363.11](#)

³ [G59C.363.10](#)

9.187 Reginald Maudling’s memorandum concluded that if progress could not be made by agreement, the present method of government should be suspended in favour of a commission until the necessary political set-up had been established.¹ Such a period of transition would be, he conceded, indistinguishable in practice from direct rule.² Reginald Maudling acknowledged that the effects that his proposals would have on the security situation were difficult to predict; he did not envisage that it would lead the IRA to call off its campaign, but he thought it unlikely (although not impossible) that “*the Protestants would turn to violence*”.³ He concluded by writing that his suggestions represented “*a dangerous course to take, but all courses in Northern Ireland are dangerous and it could be that persevering as we are at present was the most dangerous course of all*”.⁴

¹ [G59C.363.11](#)

³ [G59C.363.11-12](#)

² [G59C.363.11](#)

⁴ [G59C.363.12](#)

The Policy Instruction relating to marches

9.188 On 19th January 1972 a Policy Instruction was issued to all brigades concerning the attitude to be taken by the RUC and the Army in respect of breaches of the ban on marching.¹ The covering letter stated that the new instructions were to take immediate effect. It also recorded that identical instructions were being issued simultaneously to the RUC as a Force Order.² The new instruction reflected the proposals contained in the Army paper discussed at the JSC meeting of 13th January and stated that (except in the case of funerals) it was “*essential that the prohibition be strictly enforced*”.³

¹ [G59.361-363](#)

³ [G59.362](#)

² [G59.361-363](#)

9.189 The Instruction set out the action that the security forces were to take when the prohibition on marches was defied. The sections most relevant for the purposes of this Inquiry are reproduced below:¹

“(1) If the police become aware of an intention to hold a procession by any person(s) they should contact the persons whom they have reason to believe to be involved and warn them of the prohibition on processions and the severe penalties which are possible under the relevant acts.

(2) Except in the case of funerals, it is essential that the prohibition be strictly enforced and the necessary prior Police/Army planning should take place to ensure that the persons concerned know what action will follow should the procession take place. A detailed joint Police/Army plan will be made in respect of each procession.

(3) If persons assemble to take part in the parade, the obvious organisers or leaders should again be seen and their attention drawn to the prohibition on processions.

(4) When the parade forms up, the Divisional Commander or some person delegated by him, should address the assembled persons by loudhailer or P/A equipment, draw their attention to the prohibition and order them to disperse forthwith. The demand to disperse forthwith should be made by a member of the RUC not below the rank of Inspector or any Commissioned Officer of HM Forces on duty who suspects that any assembly of three or more persons may:

- a. Lead to a breach of the peace.
- b. Serious public disorder.
- c. Or make undue demands upon the Police Force or HM Forces.

...

(5) If the assembled persons fail to disperse, the police should normally form a cordon, sited in accordance with the joint Police/Army plan and consisting of lines of policemen with linked arms across the path of the parade, supplemented as necessary by physical barriers. It will be normal for the cordon to block the path of the parade completely and where necessary, alternative routes should also be closed.

Dispersal arrangements for the procession must however be taken into account. In the event of the police cordon being forcibly broken by the procession, Army action will follow in accordance with the pre-arranged plan referred to in (2) above.

(6) The powers of arrest under the Public Order Act should be exercised at the time, if practicable, by the RUC. Uniformed and plain clothed police must in any case identify as many persons as possible taking part in the procession and note their degree of involvement. Arrests under the Public Order Act will not be carried out by the Army, but should it be necessary for the Army to make any arrests, they will do so under Regulation 11 of the Special Powers Act on suspicion of committing acts prejudicial to the peace or of having committed an offence against the Regulations.

(7) Circumstances will largely dictate subsequent police action but they will co-operate with the Army in all possible ways, eg, arrest of persons guilty of disorderly behaviour or other offences: removal of arrested persons from the scene and their processing at reception Centres etc.

...

Prior liaison between the Police and the Army authorities is extremely important in order that the latter can be fully briefed on the danger potential of any threatened procession and made aware of the Divisional Commander's opinion on the question of Army presence."

¹ [G59.362-363](#)

9.190 It was suggested to this Inquiry on behalf of one family that this policy instruction represented a "*united and ruthless*" policy and the taking off of "*kid gloves*" with regard to marches.¹

¹ [FS4.47](#)

9.191 These are emotive words. It is clear that both the Westminster and Stormont governments were anxious to ensure that the ban was enforced in order to avoid both unionist resentment at the apparent ease with which nationalist and civil rights groups could flout the prohibition, and the consequent risk of a proliferation of illegal marches leading to increased pressure on the security forces. They also wished to counter the perception that the RUC and the Army were unable to enforce the law. There was, however, no suggestion that illegal or disproportionate methods should be employed to enforce the ban, the emphasis being not only to take firmer steps to stop illegal marches but also to improve the warning, arrest and prosecution of those alleged to have broken the law.

Meeting of the GEN 47 Committee on 20th January 1972

9.192 The GEN 47 Committee met again on 20th January 1972.¹ General Sir Michael Carver reported that the number of shooting incidents and explosions in Belfast and Londonderry was down and that there had been an encouraging number of arrests of Provisional and Official IRA “*officers*”.² There was also lengthy discussion of the memorandum prepared by the Home Secretary.³ Once again the point was made that the successes of the Army against the terrorists might make it desirable to seize the opportunity for a political initiative before the Catholics on the one hand became irrevocably alienated, or the Protestants on the other hand reverted to an unyielding attitude against what they would regard as a beaten minority.⁴ It was also observed that Londonderry could not be permitted to continue indefinitely in its present state.⁵ However, while broadly sympathetic to the Home Secretary’s plan, the members of the committee raised a plethora of concerns over the risks and associated problems involved, and the manuscript minutes record Lord Balniel as expressing the views of Lord Carrington (with which he did not agree) that the preferred option represented a “*tremendous gamble*” and a “*risk probably not worth taking*”.⁶ The Prime Minister, summing up the discussion, observed that much essential detailed work was in hand, for example the preparation of outlines of legislation and identifying possible members of a commission should that form of government become inevitable.⁷ It was left that GEN 47 would meet the following week to consider further the questions raised by the Home Secretary’s memorandum.⁸

¹ INQ1.401-409; G62.374-376; G62AA.376.1.1-3

⁵ INQ1.408

² G62.376

⁶ G62AA.376.1.2

³ INQ1.406-409

⁷ INQ1.409

⁴ INQ1.408

⁸ INQ1.409

The Joint Intelligence Committee meeting on 20th January 1972

9.193 On the same day, the Joint Intelligence Committee of the United Kingdom Government met and approved their weekly Special Assessment on events in Northern Ireland. This recorded that the rural areas of the Province had been comparatively quiet and violence in Belfast had remained at about the same level as in the immediate past, but there had been “*rather more trouble in and around Londonderry where makeshift mortars have recently been used to project nail bombs*”.¹ In attacks against off-duty members of the security forces, an RUC reservist (in West Belfast) and a UDR soldier (in Antrim) had been killed, and a police constable had been seriously injured. The assessment also recorded that while the transfer of detainees to Magilligan had passed without incident, the opening of the new camp was already serving as an additional focus for discontent

in the Londonderry area and had given a new momentum to the anti-internment campaign. The opposition to the extension of the ban on marches was noted, as was the intention of NICRA to hold a march in Londonderry from the Creggan to the Guildhall Square on 30th January.²

¹ [G62A.376.2](#)

² [G62A.376.1-3](#)

Meeting of the Joint Security Committee on 20th January 1972

9.194 The JSC also met on 20th January 1972.¹ It considered the Special Branch Assessment for the period ending 19th January 1972.² Paragraph 16 of the assessment (to which we have referred above) recorded that:

“Rioting and hooliganism has been a week-end feature in Londonderry where community feeling continues to run high against the Army. Throughout the period the terrorist elements and particularly the gunmen, have been active, shooting at the Army on several occasions. This activity is believed to have been sponsored jointly by both I.R.A. groups in the city. The apparent strategic policy of the I.R.A. in Londonderry is to continue alternating destruction by explosives and arson in a creeping infringement in towards the City Centre. Buildings previously severely damaged are set on fire, so spreading the area of destruction, buildings vacated as a result of these fires are later attacked with explosives.”

¹ [G63.377-379](#)

² [G64.383](#)

9.195 The assessment can be compared with the oral evidence of Martin McGuinness to this Inquiry. Martin McGuinness, who was then the Adjutant in the Derry Brigade of the Provisional IRA, stated that at the time of Bloody Sunday: “*the primary purpose of the [Provisional] IRA was to attack the British Army and those military forces supporting them and there was also a strategy in place in the centre of Derry to attack business premises in order to stretch the British Army and to gain maximum advantage over what were undoubtedly superior – numerically, that is – military forces*”.¹ It appears therefore that the assessment was reasonably accurate, at least insofar as it reflected the policy of the Provisional IRA.

¹ [Day 390/34](#)

9.196 The minutes of the JSC discussion on this point record:¹

“Hooligan activity in Londonderry was a continuing worry. The GOC said the Army were dealing with the problem as best they could employing a variety of tactics within the constraints of the law. Their operations in the city against the IRA have been very successful of late – 50 gunmen killed or injured during the last 2½ months – and they would aim to maintain this rate of attrition.”

¹ [G63.377](#)

9.197 It was suggested to this Inquiry on behalf of one family that the reference to “*within the constraints of the law*” may indicate that General Tuzo had appreciated that General Ford’s suggestion to shoot selected ringleaders could not lawfully be adopted.¹ This may be the case but it is equally likely that this was simply a general reference to the fact that the Army was obliged to act within the law.

¹ [FS4.48](#)

9.198 The main concern at this meeting, according to the minutes, was the proposed anti-internment march in Armagh on Saturday 22nd January 1972. The GOC and the Chief Constable confirmed that there would be a strong Army and police presence and that the march would be stopped. Brian Faulkner emphasised the importance of doing this effectively, as Protestant and Catholic attitudes to the continuing ban would be vitally influenced by the outcome. The meeting was also told that a rally of the Ulster Protestant Volunteers, a loyalist grouping, was scheduled as a counter to the march. As this proposed event was neither a march nor a procession it was not automatically prohibited, and a decision would have to be taken specifically to ban the rally in order to prevent it going ahead. The Committee accepted the police view, based on what were described as tactical grounds, that this step should not be taken.¹

¹ [G63.377-378](#)

9.199 The Committee approved the terms of an announcement to be made about the proposed march in the following terms:¹

“The Joint Security Committee considered at its Meeting this morning the procession planned for Armagh on Saturday, 22 January, by a body calling itself the ‘Civil Resistance Committee’.

In his statement to Parliament on 18 January the Prime Minister made it clear that, where the security forces deem it necessary in the interests of public safety, they will use such physical means as may be required to prevent a parade from proceeding.

Any procession in Armagh on Saturday would be in breach of the law, and those taking part would be committing an offence. The security forces will use physical measures to prevent any such parade from proceeding, in accordance with the general policy already laid down’.”

¹ [G63.378](#)

9.200

On 21st January 1972 the Official Committee on Northern Ireland (the committee comprising senior United Kingdom civil servants from departments concerned with Northern Ireland) met and discussed the possible form and structure for inter-party talks. A proposal on how to proceed emerged for ministerial approval, which envisaged talks starting in early February 1972 between senior figures from the Government and the (Labour) Opposition (possibly with the added presence of the leader of the Liberal Party). It was hoped that these would lead to agreement on a bipartisan approach, which could then be employed when the talks were broadened to include the Northern Ireland parties. In a related discussion, the committee considered the reform plan put forward in the Home Secretary’s memorandum of 18th January, and agreed areas for further research.¹

¹ [G68B.434.1.1-3](#)

9.201

On the same day, according to the evidence given to this Inquiry by Colonel Ferguson, then Officer Commanding 22 Lt AD Regt in Londonderry, he discussed the march planned for 30th January with Brian Faulkner and his wife at a social function. Brian Faulkner twice expressed his hope that everything was under control, and Lucy Faulkner told Colonel Ferguson that the situation that occurred when protesters marched along the motorway without being stopped could not be repeated. It is unclear whether she was referring to the Christmas Day march on the M1, the Falls Park marches of 2nd January or a combination of both events, or whether Colonel Ferguson’s memory of the detail of the conversation is slightly erroneous. However, Colonel Ferguson did recall that Brian Faulkner apparently nodded in agreement, and that as a result of this discussion he, Colonel Ferguson, became “*very conscious of the political significance of the march [on 30th January]*”.¹

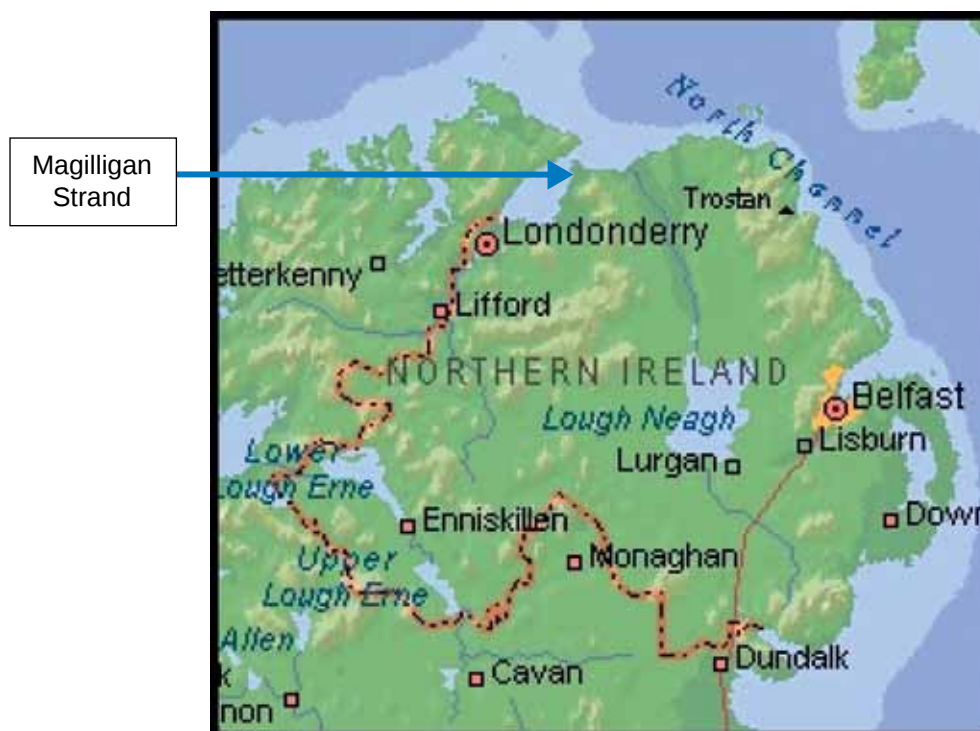
¹ [B1122.9](#)

The march to Magilligan Strand

9.202 On Saturday 22nd January 1972 an anti-internment march took place to the newly opened Internment Centre at Magilligan Strand. The march was organised by the North Derry Civil Rights Association. The demonstrators marched down a private lane and then along Magilligan beach, intending to reach the internment camp itself. Since the march did not take place on a public road, it was probably not unlawful. Army estimates of the number of demonstrators present varied between 600–700 and 1,500.¹

¹ [G69A.436.001](#); [G74B.458.7](#)

9.203 Magilligan Strand is situated about eight miles north-east of Londonderry.



9.204 The boundary of the internment camp was marked by a barbed wire fence, which extended onto the beach and ran down to the high water mark. On 22nd January 1972, the fence along the beach was manned by members of the RUC and also by members of C Company of 1 PARA, who were under the command of 2 RGJ. The demonstrators were told by a senior police officer that they would not be permitted to go beyond the wire fence.

9.205 As the tide receded, a gap appeared between the fence and the sea. Many of the marchers walked around the end of the fence and into the prohibited area beyond it. Some, according to the HQNI report, threw stones at the soldiers and police officers who

were behind the wire.¹ The soldiers drove the demonstrators back, firing rubber bullets and then making a baton charge. According to 1 PARA's photographer (Lance Corporal INQ 1970, who was present) it was soldiers of C Company of 1 PARA who carried out the baton charge.² As the demonstrators withdrew, they set fire to a hut and to the Golden Slipper Ballroom, which was a building near to the marchers' original assembly point.³

¹ [G74B.458.8](#)

³ [G74B.458.8](#)

² [C1970.5](#)

9.206 Journalists filmed the clashes between demonstrators and soldiers at Magilligan Strand. Allegations of brutality and of the use of unnecessary force by members of 1 PARA were reported widely on television and in the press.

9.207 Nigel Wade of the *Daily Telegraph* newspaper was present at Magilligan Strand. In his statement to this Inquiry he described seeing paratroopers firing baton rounds into the chests of marchers at very close range. Nigel Wade recalled seeing non-commissioned officers (NCOs) using riot sticks to control their own men and seeing one NCO beating a soldier so hard in an attempt to get the soldier to disengage from the marchers that the stick broke.¹

¹ [M79.13](#)

9.208 On 25th January 1972 the *Derry Journal* newspaper printed photographs of a civilian, Christopher McNicholl, being dragged through the water by a soldier and, bleeding from a head wound, being given assistance by an RUC officer.¹ The *Daily Mail* newspaper on 24th January 1972 printed Christopher McNicholl's account of events. He said that he had gone to the assistance of an old man who was being hit with batons by three soldiers. A soldier had hit him on the head, causing him to fall into the water. As one soldier dragged him away, another had kicked him repeatedly.²

¹ [L10.2](#)

² [L6.4](#)

9.209 Film footage taken at Magilligan Strand, showing a soldier kicking a man on the ground, was broadcast on television. It is likely that the incident shown was the one involving Christopher McNicholl. An Army investigation was carried out into the televised incident. Colonel Wilford told the Widgery Inquiry that it was found that a soldier had kicked a man but also found that the soldier could justifiably have lost his temper.¹

¹ [WT11.58](#)

9.210 In evidence to this Inquiry, Private INQ 12, a member of C Company of 1 PARA, admitted that he had been the subject of the investigation to which Colonel Wilford had referred. His recollection was that he had kicked the man in an attempt to free his legs, which were being held by the man on the ground. He said that he was cleared at a disciplinary hearing.¹

¹ Day 351/2

9.211 Captain INQ 573, the Adjutant of 2 RGJ who was present at Magilligan Strand, gave evidence to this Inquiry. He recalled seeing “*what I took to be an awful lot of unnecessary violence by the Paras, including baton swinging*”. He described intervening to stop two Parachute Regiment soldiers from striking a man and a woman who were lying on the ground. He said he thought at the time that “*it looked like the Paras had got out of control*”.¹

¹ C573.2

9.212 Lance Corporal INQ 1970 recalled that members of C Company of 1 PARA:¹

“... were using their rifle butts on the crowd and gave them a good hiding on the beach, they put the boot in. A Green Jacket officer hit a Para with a baton, shouting at him that he was an animal ... Everyone was horrified at the brutality of Paras against stone throwers.”

¹ C1970.5

9.213 Lance Corporal INQ 1970 provided to this Inquiry photographs, one of which showed a soldier using a rifle butt as a club.¹

¹ C1970.16



9.214 Colin Wallace, who in January 1972 was a civilian Army public relations officer based at HQNI, gave evidence to this Inquiry that unionist politicians took an entirely different view of events at Magilligan Strand and were furious at the apparent inability of the Parachute Regiment to deal effectively with the marchers. His recollection was that the Stormont Government was very concerned about the adverse reaction of Protestants who saw on television images of apparently illegal marches unchecked by the security forces. Colin Wallace stated that complaints from Unionist politicians to Downing Street led to the Ministry of Defence issuing a directive to the effect that the scenes such as those at Magilligan should never again appear on television screens.¹

¹ [KW2.7](#)

9.215 No documents have been found that provide support for this evidence of Colin Wallace. The only documents that Colin Wallace recalled seeing were two telegrams sent by Donald Maitland, the Prime Minister's Chief Press Secretary, to Clifford Hill, the United Kingdom Government's Press Liaison Officer in Northern Ireland. The Tribunal has seen these telegrams, neither of which refers to events at Magilligan Strand or suggests disquiet about any previous inability on the part of the Army to deal with marchers.¹ The press reports available to the Inquiry do not suggest that there was any public perception of a lack of action on the part of the Parachute Regiment at Magilligan Strand.

¹ [G91.551](#); [G90.549](#)

9.216 In evidence to this Inquiry, Edward Heath and Lord Carrington both said that they had no recollection of having been concerned about events at Magilligan Strand.¹ On 26th January 1972 Sir Burke Trend sent to Edward Heath a briefing note for the GEN 47 meeting that was to take place on the following day. In that note he suggested that Edward Heath might like to raise with Lord Carrington the allegations made in the press and on television to the effect that the Parachute Regiment had overreacted at Magilligan Strand and had thereby provoked resentment among the peaceful elements of the Roman Catholic population.² This suggestion is inconsistent with the proposition that Downing Street was displeased with the Army's failure to take firm control of the march. Further, both Edward Heath and Lord Carrington told this Inquiry that the subject was not in fact raised.³

¹ [Day 282/127](#); [Day 280/38](#)

³ [KH4.89](#); [Day 282/131](#); [Day 291/29](#); [Day 280/43](#)

² [G75CA.462.5.4](#)

9.217 In these circumstances, we are of the view that we cannot rely on Colin Wallace's evidence on this point. We consider that his recollection in this regard is faulty.

9.218 We are not required to make findings as to the justification or lack of it for the soldiers' actions at Magilligan Strand. In any event we have not heard sufficient evidence to enable us to do so. However, the fact that such allegations were made, not only by civilians but by members of the Royal Green Jackets, forms an important part of the background to Bloody Sunday. Many of those who marched on 30th January 1972, and many of those responsible for policing and containing that march, were aware of the allegations concerning the conduct of C Company of 1 PARA at Magilligan Strand. The perceptions of civilians about events at Magilligan Strand clearly influenced the conduct of many of them on 30th January 1972, in some cases causing them to join the march and in other cases to join in the rioting. The important point is that many, particularly those on the march, believed that 1 PARA had acted in an unacceptably violent way at Magilligan Strand. Their view of events at Magilligan Strand in turn reinforced their belief that the Army was simply a tool of the unionist government being used to subjugate them. As will be seen later in this report,¹ these views led more people to riot or to riot more violently.

¹ [Chapter 14](#)

9.219 It should be borne in mind that it was C Company of 1 PARA whose conduct at Magilligan Strand led to allegations of brutality. As will be seen from our consideration of the events of 30th January 1972, this company was deployed in Londonderry on Bloody Sunday as part of the arrest operation, but soldiers of this company did not shoot anyone on that day.

9.220 After the incident at Magilligan Strand the North Derry Civil Rights Association issued a statement, which was reported in the *Derry Journal* newspaper on 25th January 1972. In the statement, the Association condemned the violence displayed by the soldiers at Magilligan Strand and stated that this would only serve to strengthen the resolve of the people of Derry to march in peaceful protest on 30th January.¹

¹ [L10.1](#)

9.221 Some in the Army also held the view that there had been undue violence at Magilligan Strand. Captain INQ 573 attended the regimental investigation into the conduct of Private INQ 12 and gave evidence of such violence.¹ Further, as will be seen later in this report, a junior officer of 2 RGJ, Second Lieutenant 136, told his platoon when giving them their orders for 30th January, "S.F. [security forces] must be strictly controlled. The right behaviour is very important. No repeat of Magilligan."²

¹ [C573.2](#); [Day 314/104](#)

² [G95C.580.7](#)

- 9.222** The evidence of Colonel David Ramsbotham, who in January 1972 was the military assistant to General Carver, the CGS, was that Lieutenant Colonel Welsh (the commanding officer of 2 RGJ) telephoned him after the Magilligan Strand march and expressed concern about the proposed use of 1 PARA on 30th January. According to Colonel Ramsbotham, Colonel Welsh stated that 1 PARA, used as shock troops in Belfast and having had to be warned at Magilligan that they needed to behave differently in Londonderry, were the wrong soldiers to bring into the Londonderry operation.¹
- ¹ [KR2.4](#)
- 9.223** The two officers belonged to the same battalion and knew each other well. Colonel Ramsbotham said that Colonel Welsh was calling to pass on information as an old friend and was not seeking to have his concerns relayed to General Carver. Colonel Ramsbotham said that he did in fact mention the conversation to General Carver, who took the view that deployment of troops on 30th January was a matter for the Northern Ireland command.¹ Colonel Welsh denied in evidence to this Inquiry that the conversation with Colonel Ramsbotham had taken place.²
- ¹ [Day 254/123-124; Day 254/171](#) ² [Day 282/66](#)
- 9.224** Colonel Ramsbotham appeared to have a precise memory of the call. Further, the views that he recalled Colonel Welsh expressing are views that we know that Colonel Welsh did in fact hold at the time. In the circumstances, we prefer Colonel Ramsbotham's recollection of events.
- 9.225** It was submitted to us on behalf of some of the families¹ that 1 PARA was chosen as the arrest force on 30th January either because of or in spite of the conduct of C Company at Magilligan Strand.
- ¹ [FS1.716](#)
- 9.226** There is nothing to indicate that General Ford's decision to use 1 PARA as an arrest force on 30th January had anything to do with the conduct of the paratroopers at Magilligan Strand. As early as 10th January 1972, General Ford had proposed an unspecified role for 1 PARA for the march (at that time scheduled to take place on 16th January). We consider below whether the conduct of C Company at Magilligan Strand should have caused General Ford not to use 1 PARA as an arrest force on Bloody Sunday.

9.227 On 25th January 1972, the *Guardian* newspaper published an article by Simon Hoggart, in which it was alleged that Army officers in Northern Ireland had asked that the Parachute Regiment be kept out of their areas. We deal in more detail below with this allegation. In the article Simon Hoggart referred to the regimental inquiry into allegations of brutality at Magilligan Strand.¹

¹ L7-L9

9.228 In his oral evidence to us, General Ford said that he had been unaware of any complaint made by a Royal Green Jackets officer of the conduct of 1 PARA at Magilligan Strand; he also said that he “*did not particularly take note of what was in the newspapers*”.¹ However, in his written evidence to this Inquiry, General Ford told us that he would almost certainly have been made aware of Simon Hoggart’s article at the time. His recollection is correct; he was quoted in the *Times* newspaper on 26th January 1972, in an article that reported the *Guardian*’s allegations, as expressing “*complete confidence*” in 1 PARA. According to the *Times*, General Ford said that 1 PARA had an excellent record and that he would have no hesitation in using the unit in any part of the Province.² This report is consistent with General Ford’s evidence to this Inquiry that neither the article nor any adverse comment about the conduct of 1 PARA at Magilligan Strand would have influenced him in making operational decisions. He said that he had complete confidence in the professional abilities of 1 PARA and felt that they were capable of dealing with any situation.³

¹ Day 258/78

³ B1208.032

² L15.2

9.229 There is no evidence that General Ford knew of the concerns expressed by Colonel Welsh, whose views reached the CGS. However, it is clear that General Ford knew, when selecting 1 PARA for duty on 30th January 1972, of allegations that paratroopers had behaved brutally at Magilligan Strand. The behaviour of the soldiers attracted a substantial amount of bad publicity. We take the view that he was also likely to have known of the regimental inquiry into the conduct of Private INQ 12, which took place immediately after the incident at Magilligan Strand.

9.230 As we discuss later in this chapter, shortly after the Magilligan Strand incident General Ford selected 1 PARA to operate as an arrest force in connection with the civil rights march planned for 30th January. The question arises as to whether in view of the allegations of brutality at Magilligan Strand General Ford can be criticised for deciding to use 1 PARA. This is a matter to which we return below.

The civil rights march in Armagh on 22nd January 1972

9.231 A civil rights march took place in Armagh on 22nd January 1972. The march (of about 300 people) was prevented from reaching its intended destination in Gaol Square, where what was described in official reports as a group of 30–40 Protestants or loyalists had gathered for a meeting. The majority of the anti-internment marchers returned to their starting point for a public rally, but there was some stoning of the security forces and several arrests.¹

¹ [G71E.444.12](#); [G74C.458.11](#); [G70B.441.4](#)

Marches on 23rd January 1972

9.232 There were further marches on 23rd January 1972. At Lurgan two groups converged and attempted to march to the town centre; official reports varied as to whether both groups comprised 300 people each, or whether one was a group of 300 people and the other a group of 150. In any event, the marches were stopped by troops, who were stoned and who used CS gas and baton rounds in response.¹ At Castlewellan a crowd of some 200–300 was prevented or dissuaded from marching to the nearby town of Newcastle. Instead the marchers drove there and with others attended a rally of around 800 people. When this concluded an attempt was made to march through the town, but this was stopped after a few hundred yards by the security forces.² According to General Tuzo's report for Brian Faulkner there was some resistance from a number of marchers and stoning followed, leading the security forces to discharge eight rounds of CS gas (after issuing a warning), and to make three arrests and 40–50 identifications.³ The Director of Operations Intelligence Committee's Assessment and HQNI's IntSum both contain less detailed accounts of the same incident that did not report the rioting and instead commented that the crowd dispersed peacefully.⁴

¹ [G74D.458.12](#); [G71E.444.12](#); [G80.489](#)

³ [G74E.458.14](#)

² [G74E.458.14](#); [G71E.444.12](#)

⁴ [G71E.444.12](#)

Ministry of Defence Current Situation Reports

9.233 In the aftermath of the weekend marches, Anthony Stephens, the head of DS10, circulated the 61st Current Situation Report.¹ Anthony Stephens told this Inquiry that the documents in this series were intended to draw together information from various sources to provide ministers and officials with “*a fleeting picture of what had occurred in the past*”

24 hours”,² and if possible to give an indication of situations that might arise in the immediate future.³ In the week before Bloody Sunday a Current Situation Report was produced on each working day.⁴

¹ G70B.441.3-5

² Day 273/109

³ KS3.101-102; Day 273/108-110

⁴ G70B.441.3-5 (No 61, Monday 24th January);
G71.442-444 (62, Tuesday 25th January);
G73.454-456 (63, Wednesday 26th January);
G84.528 (64, Thursday 27th January);
G87.534-536 (65, Friday 28th January)

9.234 The MoD Current Situation Report for 24th January 1972 recorded that over the weekend at Armagh, Magilligan Strand, Newry and Castlewellan/Newcastle the security forces “were able to ensure that nothing which could be described as a march developed”.¹ However, this was not how some unionist groups saw it. Newspapers published on the same day reported a statement from a committee representing the most prominent Loyal Orders that suggested that their members might defy the ban, which they felt was unjustified and applied in a discriminatory fashion.²

¹ G70B.441.4

² OS4.163; OS4.119

Brussels meeting between Edward Heath and Jack Lynch on 23rd January 1972

9.235 On Sunday 23rd January 1972 Edward Heath met the Taoiseach (Jack Lynch) in Brussels where they were present to sign the Treaty of Accession to the European Economic Community.¹ At this meeting Jack Lynch expressed much the same view as had been voiced in United Kingdom Government circles over the previous weeks, namely that a point was being approached for some sort of initiative towards a political solution, since the IRA might be in the process of suffering a major setback from the actions of the security forces, while the Protestants might still be sufficiently alarmed to be prepared to contemplate change. Jack Lynch said he feared that if violence was defeated and there was no political solution, the unionists would simply freeze their position and the possibility of some reconciliation would be lost.² He did not think that the minority community would be satisfied with Brian Faulkner’s proposals to reform parliamentary committees; instead they would require a share of the responsibilities of executive government.³ Jack Lynch urged Edward Heath to signal to Brian Faulkner that “it was no longer possible to retain the status quo at Stormont”,⁴ and talked of launching a political

initiative along these lines himself.⁵ He also called on the United Kingdom Government to consider a “*change of direction*” on internment in order to help to entice the minority community towards supporting a political solution.⁶

¹ G70F.441.16-28

⁴ G70F.441.25

² G70F.441.18-19

⁵ G70F.441.27

³ G70F.441.26

⁶ G70F.441.21

9.236 In response, Edward Heath was non-committal as to the United Kingdom Government’s position and reiterated his understanding that Brian Faulkner would be willing to discuss any potential solution that did not threaten the integrity of the border. In a memorandum that accompanied his note on the talks, Robert Armstrong, the Prime Minister’s Principal Private Secretary, commented on the difficulty that the United Kingdom delegation had in following Jack Lynch’s proposals, partly because the Taoiseach had a heavy cold, but also because his ideas were “*hazy and far from fully developed*”.¹

¹ G70F.441.16-17

Visit of the Chief of the Defence Staff on 24th January 1972

9.237 On 24th January 1972 the CDS, Admiral Sir Peter Hill-Norton, visited Northern Ireland, where he met General Tuzo, General Ford and the Director of Intelligence, David. According to the minutes of this meeting prepared by Colonel Dalzell-Payne, head of MO4, the Military Operations branch within the MoD that dealt with Northern Ireland, the GOC made a number of points, including the following:¹

“a. The attrition operation is going well. It is designed to make the IRA desist and the policy is working but at the price of implacable and growing Roman Catholic hostility, not only to the Protestants but to the Army. This hostility is tending to spread upwards through the middle class, encouraged particularly by some Roman Catholic priests and behind it all stands NICRA, the active ally of the IRA.

...

e. The ban on marches is the major current problem. Mr Faulkner deserves credit for his handling of the ban. He did not consult the Orange Order but went ahead and persuaded his Cabinet to do what he thought right. The problem is the difficulty of enforcing the law. The Security Forces regard a march as prevented (by stopping it on ground and at a time of their own choice) if its aim is frustrated. The trouble as usual is the local news media, particularly BBC TV, who did not fairly report the march and the Security Force measures of prevention on Sun 23 Jan 72. Too much was made of

the attempts to defy the law. If this problem escalates, as it well may, some blame will attach to the BBC. (The COS subsequently gave it as his opinion, and D Int agreed, that the Protestants have got used to the Roman Catholic bomber/gunman (whom they don't see) and are more likely to react increasingly aggressively to the sight of NICRA supporters defying the law).

f. As for the future, there is a continuing need to:

- (1) Sustain the attrition operation.
- (2) Seek reconciliation with the Catholic community at every opportunity.
- (3) Seek to defeat IRA hostile propaganda and preserve the good name of the Army, which is being assailed with evil intent."

¹ [G70.437-439](#)

9.238 In the same minutes of this meeting, General Ford is recorded as describing the major problem in the area of 8th Infantry Brigade in the following terms:

"Hooliganism in Londonderry is the running sore, but is being contained. 15 IRA gunmen have been seen to fall in Londonderry since 1 Jan 72. The interesting thing is that there is always an instant reaction to our patrolling but none to the casualties we inflict by our own sniper fire. The Creggan and the Bogside are regrettably IRA strongholds. To go into the Creggan to pick up, say 3 wanted men in a bad area, is virtually a four or five company operation. In the Bogside it is possible to patrol on a one company basis. So we can go in to either area if we so wish, but only in this sort of strength. The reason is that the Roman Catholic population will respond to a man, and has not only an efficient alarm system but permanent road blocks and vigilantes. (This situation will undoubtedly be exploited in the march planned for 30 Jan 72, when up to 12,000 Roman Catholics are expected to march, come what may, from assembly points in the Creggan and Bogside to the Guildhall Square. They can only be effectively halted on the line of William Street, but by the time they arrive there they will have been seen on (invited) TV to have marched. This matter will be the major item on the JSC agenda for Thur 27 Jan 72)."

¹ [G70.438-439](#)

9.239 The figure of 15 paramilitary gunmen being seen to fall in Londonderry since the beginning of the year cannot be verified. The Roll of Honour, which lists deceased members of the Provisional Republican movement including Provisional IRA members

who died while on active service, and the associated book of obituaries, *Tírghrá*, do not record any Provisional IRA fatalities that could have occurred in the city during this period. It is possible that all or some of the 15 gunmen who were seen to fall were injured; or that they were members of the Officials, not the Provisionals; or that deaths did occur that were not publicly commemorated, although the last seems most unlikely. However, it is also possible that some or all of the reports made by members of the security forces were mistaken or exaggerated. Captain INQ 2225, a military Intelligence Officer, told this Inquiry that: *“Troops tended to assume that when they fired their weapons, and saw targets move that they had hit them. When no evidence emerged of a body, they assume that they had hit the person and that the body had been spirited across the border.”*¹

¹ C2225.7

Security forces' preparations for the march in Londonderry

The meeting between Brigadier MacLellan and Chief Superintendent Lagan on 24th January 1972

9.240 On Monday 24th January 1972 Brigadier MacLellan met Chief Superintendent Lagan and Chief Superintendent Lagan's deputy, Superintendent McCullagh, in order to discuss the proposed march. The Brigadier knew Chief Superintendent Lagan well and, at that time, met him almost every day.¹ The three debated the best way in which to deal with the march.²

¹ B1279.031

² B1279.032

9.241 Chief Superintendent Lagan believed that the march should be permitted to proceed to the Guildhall, both in order to prevent confrontation at the time of the march and in order to discourage further, later protests. He told the Widgery Inquiry:¹

“A. We discussed the whole range of eventualities that might arise: first of all, should the march be stopped at its origin or should it be stopped en route: should it be stopped at a place of our choice or should it be allowed to proceed: under those four heads. We quickly eliminated that the first two were situations which we could not operate. It became then a question of did we allow them through or did we stop them. My view was that if we stopped them there would be confrontations on the day and subsequently.

LORD WIDGERY: Tell me what you mean by that. I can understand confrontations on the day.

A. Referring back to experiences of marches in Derry on earlier occasions when a ban is imposed you find that factory workers, groups of people, on the drop of a hat, as it were, decided to have a march through part of the city and the forces then available could not control them. For this situation to arise after the 30th to me was bringing the law into disrepute.

Q. If I understand you aright, you feared that if the 30th January march was stopped not only would there be a serious confrontation that day but it would cause people to have these informal marches here and there in the succeeding days?

A. Absolutely.

MR. STOCKER: The march was intending to go to the Guildhall, was it not?

A. The intention of the organisers was to go to the Guildhall to hold their meeting there.

Q. Was it your view that they should be permitted to get to the Guildhall?

A. That is correct.”

¹ [WT17.18](#)

9.242 Later in Chief Superintendent Lagan’s oral evidence to the Widgery Inquiry the following exchange took place:¹

“Q. You had given, therefore, these reasons for your advice. One, that there might be a sort of passive objection by the marchers to being stopped; that there might be subsequent smaller marches in other parts of Londonderry. Are those the only reasons that you had for avoiding any confrontation?

A. I think that when you make reference to smaller marches elsewhere in the city, these are really the marches which would cause the Security Forces the biggest headache, leaving factories and so on and marching through areas where there would be confrontations between two religious factions, and this, as I said earlier, would be much more serious than the confrontation at the Bogside.”

¹ [WT17.33](#)

9.243 Chief Superintendent Lagan advised that the marchers should be allowed to enter the Guildhall Square (Shipquay Place) where the police and Army would be able to identify many marchers by sight and take photographs for use in subsequent prosecutions. In his written evidence to this Inquiry he said that in his view, such a course would have minimised the risk of confrontation between the security forces and marchers. He thought

that, had the march reached the Guildhall, the majority of the marchers would have dispersed after the speeches had been made, leaving the hooligan element who would undoubtedly have thrown stones but whom he would not have expected to cause massive damage.¹

¹ [JL1.9-10](#)

9.244 Chief Superintendent Lagan's evidence to the Widgery Inquiry was that Brigadier MacLellan agreed that the march should be permitted to proceed. In his statement for the Widgery Inquiry dated 10th March 1972, Chief Superintendent Lagan wrote:¹

"I had had several discussions of an informal character with Brigadier MacLellan. He and I are jointly responsible for security in the city of Londonderry. In particular I discussed the action to be taken in relation to the proposed march with him on 24 January, when I expressed the view that the best course was to let the procession to go on unhindered and to limit the activity of the security forces to identifying participants. I understood him to be fully in agreement with this view."

¹ [JL1.2](#)

9.245 He said the same on 14th March 1972 in his oral evidence to the Widgery Inquiry:¹

"Q. We have heard from Brigadier MacLellan, and I think General Ford, that they were afraid that the rioting which over weeks and months had taken place in the area of William Street might be extended to areas further north.

A. I have not discussed the operation at all with General Ford. Certainly on the afternoon of the 24th when I was discussing with Brigadier MacLellan we discussed all the possibilities that might arise from it, but at the end of the day my view was as I have already said and the Brigadier was in agreement with me on this. I indicated that I was sending a paper through to my Chief Constable giving my views and my recommendation and he indicated he would do likewise to his authorities."

¹ [WT17.18](#)

9.246 Later in his oral evidence to the Widgery Inquiry, he said:¹

"A. The discussion which I had with the Brigadier was a long one. We both did the Devil's Advocate about what should take place. At the end of the meeting the con[s]ensus of opinion was that in the interests of the city the parade should be

allowed to go through to its meeting in the Guild Hall where, I admit, this was in breach of the spirit of the ban, but the law could still be enforced, as it had been previously, by prosecuting in Londonderry the people who had breached the ban.”

¹ WT17.34

9.247 Chief Superintendent Lagan was questioned at the Widgery Inquiry on this point by Mr McSparran, counsel for the families:¹

“Q. Chief Superintendent, after a discussion you had on the 24th January with Brigadier MacLellan you have told the Tribunal that the Brigadier shared your view. Was that clear to you?

A. Absolutely, yes.

Q. That means he took the same view as you did, that there should not be a confrontation?

A. That is correct, yes – no, that the march should be allowed to go through [to the Guildhall].

...

Q. Did it appear to you that his agreement was based broadly on the same reasons as the ones you had advanced?

A. Yes, my Lord.

...

Q. On the 24th did you get the impression that the Brigadier’s advice was going to be on the same lines as yours?

A. I did ask the Brigadier in the course of the afternoon had he any instructions from his authorities on what attitude should be adopted, and he told me he had received no instructions.

Q. So far as his own attitude after the meeting is concerned, did you get the impression that if his advice was asked it would be on the same lines as your own?

A. Yes, and he was giving this advice in fact to General Ford.

Q. And did he tell you that?

A. He did indeed.”

¹ WT17.22-23

- 9.248** Sadly, Chief Superintendent Lagan was too unwell to give oral evidence to this Inquiry. In his written statement to this Inquiry, he told us:¹

“48. ... After Brigadier MacLellan and I had discussed the options and it was time to make a decision I said, that I thought the march ought to be allowed to proceed. Although I do not remember Brigadier MacLellan expressly saying that he thought that this was a good idea he did not object or suggest another course of action. There certainly was not any argument about it.

49. It was clear that the march was going to be a rather important event and that a united decision by the RUC and the army was required. Following procedure, I informed my Chief Constable of this decision.”

¹ [JL1.10](#)

- 9.249** Chief Superintendent Lagan went on to state that he had known that Brigadier MacLellan was going to report to General Ford and that he had understood that the Brigadier was going to inform General Ford that the “*joint advice*” of Chief Superintendent Lagan and Brigadier MacLellan was that the march should be allowed to proceed.¹

¹ [JL1.10](#)

- 9.250** Superintendent McCullagh, in his oral evidence to this Inquiry, said that he and Chief Superintendent Lagan had both been of the view that the march should be stopped at Army barriers but should then be allowed to proceed to the Guildhall, if it were clear that the marchers were going to overwhelm the barriers by pressing forward and as long as the marchers were peaceful. If hooligans were to the fore, then both hooligans and marchers should be stopped. However, Superintendent McCullagh said that if the marchers had been allowed to proceed to the Guildhall, there would have been no hooligan confrontation at that time. He accepted that there might have been hooligan trouble at a later stage.¹

¹ [Day 231/117-121, 129; Day 232/130](#)

9.251 Superintendent McCullagh went on to say:¹

“I am satisfied that when we went to see the Brigadier, Mr Lagan and I were firmly of the opinion that – he has stated and I have stated – the march should proceed, given the conditions we have both outlined ... having discussed all the options, we put that very closely to the Brigadier. He definitely did not say no, but I was clearly under the impression that he had to receive superior instructions on the matter and it may not, at that time, have been within his remit to give a whole-hearted agreement to it, but I do not remember that he showed any hostility to the suggestion.”

¹ [Day 231/132](#)

9.252 Unfortunately, no copy of Chief Superintendent Lagan’s written report to the Chief Constable has survived. However, we have a copy of the signal that Brigadier MacLellan sent to General Ford after the meeting. Brigadier MacLellan wrote:¹

“ONE. AT MEETING WITH CHIEF SUP N DIV AND HIS DEPUTY TODAY LAGAN MADE FOLLOWING POINTS:

A. HE ESTIMATES 8000 TO 12000 WILL TAKE PART USING SEVERAL ASSY [ASSEMBLY] AREAS AND ROUTES.

B. HE BELIEVES MASSIVE CONFRONTATION WITH SF [SECURITY FORCES] WILL SHATTER SUCH PEACE AS IS LEFT IN CITY: CREATE INTENSE VIOLENCE AND REMOVE LAST VESTIGES OF MODERATE GOODWILL ETC.

C. HE FORECASTS INCREASED VIOLENCE AND SMALLER MARCHES EG FACTORY WORKERS WAC ETC WILL CONTINUE FOR DAYS UNTIL BAN IS CLEARLY SEEN TO BE IMPOSSIBLE TO IMPOSE EFFECTIVELY (AS SF CANNOT SEAL BOGSIDE PERMANENTLY WITHOUT BRINGING THE CITY TO A HALT).

D. HE URGES IDENTIFICATIONS AND PHOTOGRAPHS FOLLOWED BY NORMAL COURT PROCEDURES RATHER THAN DIRECT CONFRONTATION AND IS REPRESENTING THIS LINE TO HIS RUC SUPERIORS.

TWO. I AGREE THAT CONSEQUENCES OF STOPPING MARCH WILL BE VERY SERIOUS AND RECKON THAT MY PRESENT PERMANENT FORCE LEVELS ALMOST CERTAINLY INADEQUATE IF WE ARE TO FACE SITUATION LAGAN ENVISAGES.”

¹ [G70A.441.001-002](#)

- 9.253** Brigadier MacLellan's recollection of the meeting differed from that of Chief Superintendent Lagan and Superintendent McCullagh. In his draft statement for the Widgery Inquiry, Brigadier MacLellan referred to Chief Superintendent Lagan's views but did not say whether or not he had agreed with them. He said that he had reported the views of Chief Superintendent Lagan and Superintendent McCullagh to General Ford:¹

"... with my own comment that the consequences of stopping the march would be very serious, and that my existing force levels were inadequate to cope with the situation that Chief Superintendent Lagan envisaged."

¹ B1231

- 9.254** Brigadier MacLellan gave oral evidence to the Widgery Inquiry before Chief Superintendent Lagan did, and Chief Superintendent Lagan's account of the meeting was not put to him. Brigadier MacLellan gave the following evidence to the Widgery Inquiry:¹

"A. We envisaged a very large march, indeed, and how we should control it. The Chief Superintendent considered that if we stopped it intense violence would ensue and recommended that the wisest course might be to identify the marchers and bring Prosecutions later rather than having a confrontation.

Q. To jump ahead a little, is that why, in your Order, there is a reference to photographing the leaders if they cannot be arrested?

A. Yes, this is so.

Q. Did you have any expectation or apprehension of the IRA gunmen and bombers being there?

A. I personally thought that it was likely that they would join the event. I hoped they would not participate.

Q. Did you consider when the crowd was, as it were, present in front of them in large numbers they would be likely to fire?

A. I did not think that they would use the NICRA marchers as cover. I thought that they would shelder [sic] behind the hooligans.

Q. But not the mass?

A. No, not the mass.

Q. Having regard to all the considerations, did you consider whether you had existing (a) enough troops to deal with this problem?

A. I considered that if the event turned the way that the Chief Superintendent forecast there would be intense violence and that I would need reinforcements.

Q. For what purpose? It has been put that the purpose of the operation was a confrontation with the IRA to draw them out and shoot it out with them?

A. That is quite untrue. The purpose was to contain the march, to stop the march and contain it within the Bogside and the Creggan and also any hooliganism and rioting which took place should also be contained and not overflow into the commercial and Protestant areas of the City.

Q. Having reported the views you had formed to Major General Ford did he order you to stop the march?

A. Yes, he did.”

¹ WT11.6

9.255

There is a dispute on the question of whether Brigadier MacLellan agreed with Chief Superintendent Lagan’s views. This dispute first arose in March 1972, immediately after Chief Superintendent Lagan had given his oral evidence to the Widgery Inquiry. In a letter to General Ford dated 15th March 1972 (the day after that on which Chief Superintendent Lagan had given evidence), Brigadier MacLellan wrote:¹

“In his evidence Lagan stated that I shared his view that the march should be allowed to proceed to the Guildhall and that those breaking the ban should be photographed and prosecuted afterwards. This is untrue. It was well known to both of us that:

- a. Subsequent arrests of people living in the Bogside and Creggan would be virtually impossible.
- b. The main aim of the march was to demonstrate that it was impossible for Stormont to impose the ban in Londonderry, and that after the march in Belfast on 2 January, when the ban was seen to be broken, the Government were bound to decide that the march should be stopped, and that the Joint Security Committee would share this view.
- c. Mr. Hull (LAW) had let it be known that if the NICRA march was not stopped on 30 January he would organise a vast march in Belfast on the following Saturday.

Our discussion therefore centred around the probable consequences of stopping the march, in order that we could anticipate the steps that we should have to take. The question of whether the march should or should not be stopped was academic. As you well know Lagan's sympathies (and those of his deputy, McCullough [sic], who was also present at our meeting) lie entirely with the Catholic Community. His proposal that the march should be allowed to proceed was patently a gesture, or 'umbrella', to maintain his position with his own people. When he said that he was going to advise the Chief Constable on these lines I told him that I would inform you of his views. You will recall that I did so by signal immediately after the meeting. I concluded this signal with my own comment 'I agree the consequences of stopping march will be very serious and reckon that my present permanent force levels almost certainly inadequate if we are to face situation Lagan envisages'. I did not propose then, or subsequently, that the march should be allowed to proceed, and I regard Lagan's evidence on this point as thoroughly misleading."

¹ [B1279.001](#)

9.256 In his written statement to this Inquiry, Brigadier MacLellan told us that he could no longer recall the details of the meeting. However, he also stated:¹

"Personally, I was concerned that if the march had been allowed to go to the Guildhall, the hooligans would have had a heyday, busting the place up and looting. This would have been followed by a sectarian flare up and I was therefore in no doubt that the march had to be contained. I think that any suggestion that you could allow the marchers to go through to the Guildhall to make their protest, to photograph them and then arrest and prosecute them later, was pie in the sky. You needed a large Army presence to arrest one person in the Creggan. Even if you managed that, there would be a problem with witnesses and the whole idea was impracticable. I did not agree with [Chief Superintendent] Lagan that the march should be allowed to proceed to the Guildhall."

¹ [B1279.032](#)

- 9.257** In his oral evidence to this Inquiry, Brigadier MacLellan said that he was sure that he had told Chief Superintendent Lagan of his disagreement at the time of the meeting.¹ He was asked whether, for reasons of politeness or otherwise, he might not have told Chief Superintendent Lagan that he disagreed and might have given Chief Superintendent Lagan the impression that he shared the Chief Superintendent's views. He replied:²

"No, I do not think so ... I cannot really remember the details of that meeting, but we had assumed, I mean, it had been made quite clear that the march was banned by the Government and would go ahead and we would be ordered to stop it and I think, trying to recall back, that was almost my starting position.

The discussion was how we would deal with the thing when it happened."

¹ Day 261/38-39

² Day 261/41

- 9.258** The Brigade Major, Colonel Steele, did not recall being present at this meeting. In his oral evidence to this Inquiry he said that at the time he shared Chief Superintendent Lagan's view.¹ However, he went on to say:²

"So I have to say that I would agree with Superintendent Frank Lagan here, that the best way to avoid confrontation was to allow the march to proceed, which in fact we did."

¹ Day 266/38

² Day 266/44

- 9.259** Colonel Steele's evidence was confused, since on the day the security forces did not allow the march to proceed. Later in his evidence, the following exchange took place:¹

"Q. [Lord Saville] ... your recollection is that you rather agreed with Superintendent Lagan earlier in the week preceding 30th January that the march should be allowed to proceed; if I understood you correctly, should be allowed to proceed to the Guildhall?

A. Yes, and I think that in the operation order I, I cannot immediately recall it ... that I actually put into the operation order that they may well proceed to the Guildhall, and that there would have to be action taken about it."

¹ Day 266/49

- 9.260** Colonel Steele's recollection is clearly wrong in this respect, since the Operation Order (to which we refer below) made it clear that while the marchers were to be allowed to march within the Creggan and the Bogside, they were to be prevented from reaching the Guildhall.

9.261 It is our view that Brigadier MacLellan could not have told Chief Superintendent Lagan that he agreed that the march should be allowed to proceed or that he would put forward such a proposal to General Ford as his and the Chief Superintendent's joint advice. The Brigadier knew that the political imperative and, in particular, the recently issued Policy Instruction on the handling of marches, required the march to be stopped. Nevertheless, it seemed to us that Brigadier MacLellan may have had some sympathy for Chief Superintendent Lagan's proposal. Our view is reinforced by the fact that in his signal to General Ford,¹ Brigadier MacLellan put forward what Chief Superintendent Lagan considered the best course to be and shared his view of the outcome of a confrontation with the security forces. It is possible that he privately thought that it would be better to allow the march to go ahead. At the same time, however, he was well aware that there was really no question of allowing the march to proceed all the way. We accept that Brigadier MacLellan thought that: "*The question of whether the march should or should not be stopped was academic.*"² We reject the suggestion, made on behalf of some of the families,³ that Brigadier MacLellan lied to the Tribunal when describing his discussions with Chief Superintendent Lagan. It seems to us that Chief Superintendent Lagan must have misunderstood the Brigadier's intentions and wrongly concluded, perhaps from the Brigadier's sympathy for his views, and perhaps from the Brigadier's failure expressly to disagree, that he would not only put forward to General Ford the Chief Superintendent's opinion that the march should not be stopped, but would state that he supported this course of action.

¹ [G70A.441.001](#)

³ [FS1.706](#)

² [G128.849](#)

Our assessment of the wisdom of Chief Superintendent Lagan's view

9.262 For the reasons that we have given above, we find that there was no prospect of Chief Superintendent Lagan's tactics being adopted. We believe, though, that we should express our views on whether his plan should have been preferred.

9.263 The plan had several major flaws:

1. The arrest of a significant number of identified rioters, days or weeks after any riot, was largely impracticable. Most rioters lived in the no-go areas of the Creggan and Bogside, where the police could enter only with substantial support from the Army.

2. Had the march been permitted to proceed, the Protestant community would have been outraged. Sectarian conflict would have been rendered much more likely. Further, unionists would have been encouraged to hold marches of their own; if substantial numbers in both communities had begun to march, the security forces would almost certainly have been unable to enforce the ban on marches, the chances of sectarian conflict would have sharply increased, and the rule of law would have been visibly weakened.
3. Had the march been permitted to reach the Guildhall, then violence at Army barriers might well have been avoided. However, rioting and hooliganism in the city centre would still have been a very real threat. The risk of destruction to property around the Guildhall would have remained.

9.264 For these reasons we take the view that the rejection of Chief Superintendent Lagan's plan was not unreasonable.

The Army Warning Orders

9.265 General Ford acted on the observation in Brigadier MacLellan's signal that 8th Infantry Brigade did not have sufficient troops to deal with the situation that Chief Superintendent Lagan envisaged. On 24th January 1972, after receiving the signal, General Ford informed the Province Reserve, 1 KOB, that it might be required in Londonderry on 30th January. General Ford also telephoned Brigadier Kitson, the Commander of 39th Infantry Brigade, and told him that 1 PARA, the 39th Infantry Brigade Reserve, would be required on that day and might be away for up to four days. Brigadier Kitson agreed that he could – just – spare 1 PARA for this length of time.¹

¹ [B1208.035](#)

9.266 On the same day Colonel Wilford received from 39th Infantry Brigade a Warning Order, informing him that 1 PARA would be needed for an operation on 30th January:¹

¹ [WT11.37A](#); [B944](#)

9.267 A number of civilian witnesses told this Inquiry that paratroopers at Magilligan Strand called out to the demonstrators, "*See you next week*", or words to that effect. See, for example, the evidence of Roisin Stewart,¹ Shaun Doherty,² Michael Joseph McKinney³ and Joseph McKinney.⁴

¹ [AS34.6](#)

² [AD177.5](#)

³ [AM309.1](#)

⁴ [AM304.1](#)

- 9.268 In view of the fact that the Warning Order to 1 PARA was not given until two days later, it seems to us that it is unlikely that such comments were made, though we accept that these witnesses had genuinely come to believe that they had heard them at Magilligan Strand.

Information obtained by the security forces about the proposed march

- 9.269 Under the heading “*Future Events*”, Captain INQ 1803, the author of the 8th Infantry Brigade IntSum of 25th January 1972 (101), recorded:¹

“A NICRA sponsored march followed by a meeting at the Guildhall, Londonderry is planned for 30 Jan. It is believed that all civil rights groups, whether IRA Goulding or Brady aligned, will combine together in an attempt to cause maximum embarrassment to the Security Forces. The main march is expected to form up in Bishops Field, Creggan at 1400 hours and move into the City via Eastway – Westland St – Lecky Rd – Rossville St – William St – Waterloo Place – Shipquay Place. The Shantallow Branch of NICRA is also expected to march from Drumlech Drive via Racecourse Rd – Buncrana Rd – Pennyburn Pass – Duncreggan Rd – Strand Rd and then to William St to join the main march. Estimates of numbers expected vary from 3,000 by the RUC (including up to 200 from Shantallow), to 10,000 by the London ‘Times’. It is possible that a further group may move eastwards from Brandywell up Foyle Rd in order to stretch the Security Forces. The organisers may well alter their plans to take account of Security Forces dispositions and possibly even march after rather than before the meeting...”

¹ [G72.451](#)

- 9.270 There is no suggestion in this IntSum that the civil rights groups were planning to do more than cause “*maximum embarrassment*” to the security forces.

- 9.271 The same IntSum also recorded:

“30. Democratic Unionist Association. The City of Londonderry and Foyle Association issued a statement deploring the proposed CRA march of 30 Jan and said that ‘if the government does not take the necessary steps to halt this parade, we are determined to take those steps ourselves’. They went on to say that ‘if the march is allowed to continue we are resolved to hold a similar march and rally at the earliest possible opportunity’.”

9.272 Under this entry, Captain INQ 1803 noted:

“Comment. The meeting [presumably of the Democratic Unionist Association] is reliably reported to have been poorly attended and the threat about stopping the parade is considered to be an empty gesture. It is possible, however, that subsequently this organisation might arrange some form of march.”

9.273 Under the heading “*OUTLOOK*” he noted:¹

“31. Spasmodic terrorist attacks are expected to continue against all types of targets probably at much the same level as recently.

32. There is an increased threat of cross-border action by IRA (Brady) ASUs and specific targets for such attacks, in addition to military patrols, will be RUC and particularly SB [Special Branch] members on and off-duty. Attacks on UDR members probably with a view to stealing weapons are also likely.

33. On the streets planned protest demonstrations, which have the aim of provoking confrontations with the Security Forces and creating publicity and fuel for propaganda, will cause further trouble. This particularly applies to the march to the Guildhall, Londonderry on 30 Jan.”

¹ [G72.452](#)

9.274 It appears from other sources that the Loyalist Association of Workers, which had emerged under the leadership of Billy Hull from the Workers’ Committee for the Defence of the Constitution, had also let it be known that if the march on 30th January were not stopped, it would organise a vast march in Belfast on the following Saturday.¹

¹ [B1279.1](#); [B1279.3.3](#)

Information obtained from Observer B

9.275 The Inquiry received evidence, in the form of a written statement, from a man to whom it gave the cipher “*Observer B*”.¹ He died during the course of the Inquiry and, before his death, was too unwell to give oral evidence. Observer B was an Englishman who lived in Northern Ireland in 1972 and who provided information both to the Army and to the British Security Service. He did not live in Londonderry but was a visitor to the city.

¹ [K02.1](#)

9.276 Observer B told the Inquiry that he was in Londonderry, and in the area of the Rossville Flats, on Tuesday 25th January 1972. He stated that while he was there he saw a group of about 40 men, whom he took to be IRA auxiliaries, drilling in Glenfada Park. He watched as they marched across Rossville Street and entered the Rossville Flats. Observer B told the Inquiry that a few minutes later he spoke to a man, X (whose identity is known to the Inquiry but whose name we have not made public), who said that the men were “*practising for Sunday*” and had been there on the previous day at the same time. Observer B went on to say that he then noticed that the men were spread out along the three landings of Block 2 of the Rossville Flats and appeared to be practising a manoeuvre in which they moved on command to the outside edge of the balconies, keeping to the left of the columns that were placed at intervals along the balconies. Observer B thought that the men would be invisible to anyone looking at the Flats from the Observation Posts on the City Walls. Observer B’s evidence was that he telephoned his Army handler, a man to whom we gave the Inquiry cipher “IO1”, reported what he had seen and expressed the view that “*I think you have got a problem on Sunday*”. IO1’s reaction, according to Observer B, was to say “*we are going to have to think on this one – ring me again in the morning*”. Observer B did so and repeated the information that he had provided on the previous day.

9.277 Observer B also said that he saw men drilling again on Thursday 27th January 1972 and was told by X that the men had done that “*every day this week*”.¹ He said that he again reported this to IO1.

¹ [KO2.2-KO2.6](#)

9.278 IO1 is dead and so his version of events could not be obtained. No record has been found of any relevant reports made by Observer B to IO1 in the week preceding Bloody Sunday. There is a record of a meeting that took place between the two on 27th January 1972. This shows that Observer B was paid £10 in expenses on that day but contains no record of any discussions held between the two of them.¹ Despite the absence of a record, it is possible that Observer B’s recollections are accurate and that he did pass to IO1 the information to which he referred in his evidence to us, though there is nothing to suggest that the information played any part in the planning by the Army for the march.

¹ [KM10.5](#)

Northern Ireland Civil Rights Association's statements to the press on 25th January 1972

9.279 On 25th January 1972 in Belfast NICRA issued a press release, entitled "*REASONS FOR DERRY MARCH*", in which it stressed that its return to the streets was made inevitable "*by the continuing and escalating repression of the British Army*" and by the rejection of its demands for reform made the previous December, which it described as its "*peace plan*".¹ At a press conference held on the same day NICRA stated that there had:²

"... so far been six anti-Internment marches held throughout the North involving thousands defying the parades ban. Last weekend alone four marches were held successfully despite the might of the British army and RUC. The brutality of soldiers at Magilligan and Castlewellan over the weekend showed clearly how completely this erstwhile peace-keeping force has been converted into the military arm of the Unionist Administration."

¹ [G71A.444.1](#)

² [G71B.444.2](#)

The *Guardian* newspaper article

9.280 On the same day an article appeared in the *Guardian* under the headline, "*Army call to bar paratroops*".¹ We have referred briefly to this article above. The author, Simon Hoggart, reported that at least two Army units in Belfast had made informal requests to Brigade Headquarters (39th Infantry Brigade) for the Parachute Regiment to be kept out of their areas because they regarded the paratroopers' tactics as too rough and sometimes brutal. One officer was quoted as having said that the paratroopers had undone in ten minutes the community relations that the officer's unit had taken four weeks to build up. Another officer, a Captain, was quoted as saying:

"[The Parachute Regiment] are frankly disliked by many officers here, who regard some of their men as little better than thugs in uniform."

¹ [L7-L9](#)

9.281 Various allegations of the use by members of the Parachute Regiment of unnecessary force against civilians were made in the article.

9.282 The *Guardian* article was discussed within the MoD in London. The CGS spoke to General Tuzo, telling him that there was a growing feeling within the MoD that soldiers in Northern Ireland were speaking too much to the press. Consideration was given within

the MoD to the idea of an approach either to the editor of the *Guardian* or to Simon Hoggart (or Simon Winchester, who was believed by the MoD to have been involved in the production of the article); but it appears that no action was in fact taken.¹ In Northern Ireland, HQNI issued a warning to Army units, telling them to refer any *Guardian* journalists to the Army Public Relations branch.²

¹ G75C.462.3-4

² G75C.462.3

9.283 While it was impracticable to investigate the validity of the allegations concerning the behaviour of the Parachute Regiment in Belfast, we have no reason to doubt that Simon Hoggart was told what he reported.

9.284 On 25th January 1972 General Tuzo sent Brian Faulkner a report on the four marches that had taken place over the weekend.¹ He expressed the view that there was no cause to apologise for anything that had happened over the weekend.² He stressed that the security forces must be given the latitude to stop marches at the best tactical position, as “*the alternative is to accept a shambles and possibly a blood-bath*”.³ Brian Faulkner responded (writing on 28th January) by saying that he considered that the operations “*at Lurgan, Armagh, Newcastle and Magilligan*” had gone “*exceptionally well*”.⁴ He added:

“This weekend will undoubtedly be a further test of our resolve and the march in Londonderry will certainly be a most difficult one to handle. I know that detailed plans have been made and I hope everything goes well.”

¹ G74AA.458.6.1-5

³ G74AA.458.6.1

² G74AA.458.6.1

⁴ G84A.528.1

The meeting with Jack Lynch on 25th January 1972

9.285 In London on 25th January 1972 the Cabinet Secretary Sir Burke Trend and Sir Stewart Crawford (Permanent Secretary at the Foreign Office) called on the Taoiseach, Jack Lynch, who was at the Irish Embassy on his way back from Brussels. Jack Lynch referred to the political initiative that he had suggested to Edward Heath on the previous Sunday and said that he might launch the initiative at his party conference in mid-February, if not sooner.¹ In a note on the meeting, Sir Burke Trend expressed his belief that Jack Lynch’s proposals arose in part from concerns about his domestic political position.² According to the note, he and Sir Stewart Crawford had raised a number of issues that would arise from any such initiative,³ and as a result of the discussion Sir Burke Trend thought that Jack Lynch had accepted that “*if he merely launched into the blue an initiative as ill-prepared as this, he might do more harm than good*”.⁴ Although Jack Lynch was not

prepared to modify his timetable, he did respond favourably to the suggestions that he should give greater thought to the detailed questions that his proposals would prompt, and that he should anticipate an unfavourable response from Brian Faulkner by bringing him into private discussions before an initiative was launched.⁵

¹ G74G.458.18

⁴ G74G.458.20

² G74G.458.19

⁵ G74G.458.20

³ G74G.458.18-20

Major General Ford's telephone conversation with Brigadier MacLellan on 25th January 1972

9.286 On the evening of 25th January 1972 General Ford spoke by telephone to Brigadier MacLellan. He told the Brigadier that, while the decision whether or not to stop the march was one for the JSC, the Brigadier should assume for planning purposes that he would be ordered to stop the march.¹ General Ford ordered the Brigadier to submit to him by 0830 hours on Wednesday 26th January an outline plan for dealing with the march, together with a marked map. It appears that General Ford wanted the plan by that time so that he would have it before the Director of Operations Intelligence Committee (Northern Ireland) meeting at 1000 hours on Wednesday 26th January.²

¹ B1279.015; B1142

² B1208.036

9.287 Brigadier MacLellan made a note of the telephone conversation.¹ According to the note, there was to be a cordon around the approaches to or from the Bogside and Creggan and the blockade was to be covered by Army snipers with "*blocks of riot gunners to fire volleys*". The note recorded that the Army "*must prevent damage to shopping & Protestant areas by saturating with troops*".

¹ G69.435

9.288 Brigadier MacLellan's note also contained the following:¹

"Have told CLF I certainly need two additional battalions, possibly three. There will be 1 KOB and 1 PARA (plus possibly one from UK). CLF sees 1 PARA as reserve in City to 'counter attack' ie go round the back to arrest 300–400 rioters."

¹ G69.435

9.289 This note not only confirms that the decision to use 1 PARA as the arrest force was made by General Ford but also gives an indication of the scale of the operation that he envisaged. The proposed arrest of 300–400 rioters would have involved an operation of far greater magnitude than had ever previously been attempted in Londonderry. In an

undated paper written after Bloody Sunday and entitled “*THE LONDONDERRY HOOLIGAN ELEMENT*”¹ Lieutenant Colonel Roy Jackson, the Commanding Officer of 1 R ANGLIAN, listed four successful “scoop” operations that had occurred between October 1970 and July 1971. The largest number of arrests had been made on 6th February 1971, when two companies deployed, converging on Rossville Street and arresting 23 people. In his draft statement for the Widgery Inquiry, Brigadier MacLellan noted that the last extensive scoop-up of rioters before Bloody Sunday had taken place in February 1971 – and that 27 rioters had been arrested on that occasion.² It seems likely that Brigadier MacLellan and Colonel Jackson were referring to the same operation, although the figures for the number of arrests differ slightly.

¹ [G138.920-922](#)

² [B1279.018](#)

9.290

Colonel Steele told this Inquiry that both he and Brigadier MacLellan had regarded the figures of 300–400 arrests as “*optimistic*”. Both he and the Brigadier, in evidence to us, described the figures as “*unrealistic*”.¹ Colonel Steele said that he might have expected 100–150 hooligans to be present on 30th January 1972.² His evidence was that he and Brigadier MacLellan had agreed that, when drafting the Brigade Operation Order for the day, they would not put in a specific figure for the number of anticipated arrests, because they had doubted whether there would be 300–400 hooligans present and rioting on the day and because the geography of Londonderry, which required the troops to operate within a confined space, would not permit that number to be arrested anyway.³ Brigadier MacLellan told us that he had believed that nothing like 300–400 would be arrested because the rioters would attempt to run away as soon as they saw the soldiers coming.⁴

¹ [Day 266/44](#); [B1279.032](#)

³ [B1315.003](#)

² [Day 266/43-44](#)

⁴ [B1279.033](#)

9.291

Colonel Steele told us that he had not informed General Ford that the target of 300–400 arrests was unrealistic, since it was not his position to do so.¹ However, it appears that during the course of the week General Ford came to realise that the figure was unachievable. General Ford’s recollection was that the figure had gradually decreased as planning progressed and that in the end the number of arrests for which he had hoped was 80. He said he did not think that administrative arrangements to cope with 300–400 were put in place.²

¹ [Day 268/1](#)

² [Day 254/44](#)

9.292 General Ford's evidence to the Widgery Inquiry was that he had expected the troops to face a considerable problem from hooligans on 30th January 1972. The following exchange took place during his oral evidence to that Inquiry:¹

"A. It was the view of the senior Commanders on the spot, and I supported this view, that it was inevitable that at an early stage the IRA and the hooligans would take over control of this illegal march, no matter what the NICRA organisers wished.

...

Q. And was it any part of that forecast that the violence would cease when the march was stopped or that it would be prolonged?

A. I imagined that when the march was halted that there would be some form of violence then, certainly by the hooligans.

Q. Then assume that the troops were successful in turning back the main body of marchers as in fact they went down to Free Derry Corner, did you expect that the violence from the hooligans would then cease or go on longer during the day?

A. I thought it would go on longer. I was very concerned that the emotional speeches which I had every reason to expect from previous marches, and addresses of this sort, would incite a proportion of the crowd. And again, of course, I was informed that the size of this march might be anything from 20,000 to 25,000 people. So I had every reason to believe that these emotional speeches would persuade a proportion of the people supporting the march to join the hooligans and, after the speeches were over, that they would indeed pour down possibly on to the Waterloo Place and general commercial area around there, with the aim of carrying out further rioting."

¹ [WT10.5](#)

9.293 General Ford told the Widgery Inquiry that he had foreseen violence continuing for days after the march and so it had seemed to him that the Army should arrest as many hooligans as possible on the day, if the opportunity arose.¹ He also explained the reasons why arrests on this scale could not have been carried out on other days:²

"Q. Why did you not arrest [the hooligans] on ordinary afternoons?

A. It was normally difficult to arrest them, firstly because the number of troops which I have in Londonderry at any given time is comparatively small, and they are fully engaged on their normal tasks of maintaining law and order; and secondly ... when they turn out in the normal days the soldiers can be at risk if we try to pursue them

forward into the Bogside. They are very fleet of foot, and it is very difficult for a small number of troops on the ground to manage an arrest.

Q. If they go far in, as you have said, they are exposing themselves to rifle fire?

A. A small number of soldiers going in to try and arrest hooligans would be putting themselves at considerable risk.”

¹ [WT10.8](#)

² [WT10.8](#)

9.294 General Ford gave further details of the reasons for his plan in his written evidence to this Inquiry. In his statement he told us:¹

“The concept of encircling the DYH [Derry Young Hooligans] in a scoop-up operation was something that 8[th Infantry] Brigade had previously tried but never succeeded in doing. The main reason for this was that they could never get sufficiently to the rear of the hooligans to do the scoop-up. This however was still the obvious way to undertake the large number of arrests that I hoped for and was the way that 1 PARA had operated in Belfast when they had had the opportunity. The idea of doing a scoop-up was mine, but the detail as to how and where it would be done would be left to the Brigadier and the Co 1 PARA.”

¹ [B1208.038](#)

9.295 In his oral evidence to this Inquiry he was referred to this passage and was asked:¹

“Q. If this was something 8th Brigade had previously tried but never succeeded in doing, did either you or Brigadier MacLellan, so far as you are aware, ever have a clear idea as to how they would succeed on this occasion, not having done so on all previous occasions?”

¹ [Day 254/46](#)

9.296 General Ford replied:¹

“A. First of all, we had a larger number of troops to carry out the arrest operation; that is No. 1. Secondly, a detailed plan was going to be made to do it. Thirdly, it was anticipated that the DYH would be out in strength as against being out in their normal sort of numbers and, therefore, there would be more rioters to arrest.”

¹ [Day 254/46-47](#)

Major General Ford's role

9.297 It was General Ford who made the decision that plans should be made for an arrest operation on 30th January 1972 and it was he who decided that 1 PARA would act as the arrest force.¹ In evidence to this Inquiry, General Ford said he did not believe that he had consulted Brigadier MacLellan about the use of 1 PARA. He was certain that he had not consulted any of the commanders of the local battalions. His evidence was that he had, though, “*very definitely*”² discussed his proposed use of 1 PARA with General Tuzo. General Ford could not recall General Tuzo's view but said that “*he must have agreed, otherwise it could not happen*”.³

¹ [Day 256/10](#)

³ [Day 254/19](#)

² [Day 254/18](#)

9.298 In his oral evidence to this Inquiry General Ford set out the reasons for his decision that there should be a large-scale arrest operation. He said that he had believed that “we” (in context, the security forces) could not allow the commercial centre to be destroyed by the “Derry Young Hooligans” and that they should make efforts to save the centre should the opportunity arise.¹ He then gave the following evidence:

“A. The concept of an arrest operation was not just for that reason. There were several reasons. First of all, of course, for the first time were we going to have sufficient troops in Londonderry to even consider it seriously because ... previous attempts on a much smaller scale by using existing troops had failed, for one reason or another.

The second thing was that on that particular Sunday I foresaw very serious violence following at some stage in the day ... when we had information that after the march was over, after the speeches had – particularly the last speeches had taken place, that the hooligans, possibly reinforced by some supporters, would try to achieve their aim of breaking through to the Guildhall. Now, an arrest operation before that, should circumstances permit it and it be a situation in which we could launch an arrest operation successfully, had a great deal to recommend it.

Q. It would take the Derry Young Hooligans out of the equation if you could arrest a significant number of them and no doubt reduce the potential for further violence later which you say you were worried about?

A. Yes.

Q. And so the concept of a large arrest operation was a concept to – and I use the word in shorthand – to take out a large number of Derry Young Hooligans if it could be done?

A. Yes.”

¹ [Day 256/9-10](#)

9.299 In his written statement to this Inquiry, General Ford set out his reasons for selecting 1 PARA as the arrest force:¹

“(i) The units in 8[th Infantry] Brigade were already committed in areas which they knew around the perimeter of the City.

(ii) The City battalion (that is the one covering the William Street area etc) was 22 Light Air Defence Regiment Royal Artillery. This was not an infantry battalion but an artillery regiment temporarily being used in an infantry role and was not suited for a major arrest operation.

(iii) The Province Reserve (1 KOB) were my reserve. They only became operational on 13 January 1972 and had no experience of arrest operations, major or minor. A major arrest operation would certainly have been beyond their capabilities until at least the middle of February or so.

(iv) As the reserve battalion of 39 Brigade in Belfast, 1 PARA were not committed to permanently holding any particular area.

(v) The third Brigade in Northern Ireland had no reserve battalion.

(vi) 1 PARA had been in the province for well over a year. They had much experience, more than any other battalion in Northern Ireland, both in carrying out arrest operations and in coming under and countering terrorist fire.

(vii) They could be spared for three or four days by Commander 39 Brigade.”

¹ [B1208.031](#)

9.300 General Ford then continued:¹

“I have been asked whether it would have been feasible to use one of the resident battalions to carry out the arrest operation. Each of the battalions in 8 Brigade had an area of responsibility, and they each knew their area well. To be responsible for a particular area involved not only knowing the geography, but also knowing the history

of operations for that area, the intelligence of that area, the relationship with the RUC, and so on. Using, for example, the Royal Anglians or the Green Jackets for the arrest operation would have meant replacing them with 1 PARA and 1 PARA then having to take over responsibility for their area. In military terms, such a short term situation would have made no sense. I do accept however that whatever role 1 PARA or another reserve Battalion would have had on the day, they would have been at a slight disadvantage, but such disadvantage would have been far greater had they undertaken duties other than as an arrest battalion held in reserve.”

¹ [B1208.032](#)

- 9.301** In his oral evidence, General Ford said that it was quite normal for a general officer not only to attach a unit such as 1 PARA to a brigade, but also to dictate what that unit should do on a particular occasion, especially if the unit had some specialised knowledge.¹ He denied that he had selected 1 PARA because he expected it to take a tougher stance than the local battalions would take. He said that he had expected the soldiers of the Parachute Regiment to conduct themselves with “*controlled aggression*” and would have expected the same of the Royal Anglians or Royal Green Jackets, had either of those battalions conducted the arrest operation.²

¹ [Day 254/17](#)

² [Day 256/11-12](#)

- 9.302** In the course of General Ford’s oral evidence to this Inquiry, the following exchange took place:¹

“Q. Is it easier for troops who are not local to the area to take over a static blocking position where you have, in essence, to stand firm rather than to adopt a dynamic role in an area you do not know?

A. I do not think it is, not in a position like Londonderry where the troops who are in an area have got to know a great deal about it. They have to know where the regular rioting takes place, where are the dangerous positions, and so on. And they get to know that very quickly when they are there for four months. So my view is that it is better to do it the other way, that is to say to bring in an outside unit. But of course there were other reasons for using 1 Para, which I specified in my statement.”

¹ [Day 254/17](#)

9.303 General Ford also made the point that since a whole battalion was to be used for an arrest operation, to use one of the resident battalions would mean replacing it in the positions it occupied with 1 PARA, which would have meant a considerable addition to the time 1 PARA would be away from Belfast, at a time when Belfast was the key to the whole of the Army's strategy.¹

¹ [Day 258/70-71](#)

9.304 The fact that 1 PARA did not know the ground over which any arrest operation would be likely to be conducted led in itself to some criticism of his choice of an outside force as opposed to local troops for this purpose. Our attention was drawn to the Standard Operating Procedures for riot control of the 1st Battalion, The King's Own Scottish Borderers, which provided that: "*It is generally better to use reinforcing troops to man the base line and use those soldiers with local knowledge of the area to carry out flanking movements.*"¹

¹ [G24.187.20](#)

9.305 When asked about this General Ford commented that this was a battalion document dealing with how to deploy troops at a lower level within the battalion, not guidance to a Brigade Commander.¹ It is not clear to us why the advice for deploying troops within a battalion should differ at brigade level. However, as General Ford pointed out, 1 PARA would be operating in a very small area and would have time to carry out a reconnaissance.²

¹ [Day 254/17](#)

² [Day 254/19-20](#); [Day 258/73-74](#)

9.306 Colonel Jackson, the Commanding Officer of 1 R ANGLIAN, also expressed the view that his battalion's knowledge of the area equipped them better than 1 PARA for the role of an arrest force and enabled them to tell who were the rioters and who were merely onlookers:¹

"We had been there for nearly two years: we knew virtually every rock there was, every corner there was; we knew the people, we knew the citizens of Londonderry. We knew the hooligans we could not get after. So ipso facto the whole sort of pyramid of pros were on our side. We knew who to arrest, and that was the hooligans and not the people on the periphery of the crowds."

¹ [Day 285/21-22](#)

9.307 Other officers took a different view. Major INQ 2079, the Officer Commanding A Company 2 RGJ, who was at one of the Army barriers on Bloody Sunday, while acknowledging that his battalion would know the geography of the city, stated that:¹

“... knowing the geography or not is not a reason for not sending another battalion in. Going into virgin territory was something that we did often. I could see the argument that it was right for the resident battalions to stop the march rather than go in, and that 1 Para did not need to know the area for a scoop up operation. The Paras were fitter than us and on a scoop up operation were certainly as good as, if not better than, the resident battalions.”

¹ [C2079.3](#)

9.308 While the knowledge of the area of local troops seems to us to be a factor to take into account when deciding who should be used as the arrest force, we are not persuaded that this factor alone justifies criticism of General Ford's decision to use 1 PARA.

9.309 We are of the view that General Ford chose 1 PARA for a number of reasons, including but not limited to those that he gave. We do not accept that he chose this battalion simply because it was the 39th Infantry Brigade Reserve and so was available to him. He was unhappy with the attitude of the local commanders and felt that the time had come to step up the pressure against the local hooligans.¹ He knew the reputation of 1 PARA as a tough battalion and he believed that 1 PARA, if sent in as an arrest force, might be able to arrest a large number of hooligans and so deal with the hooligan problem. He hoped that 1 PARA would be able, by adopting “*controlled aggression*”, to demonstrate to the local troops the advantages of taking a more proactive stance. His memorandum of 10th January 1972 (to which we have referred above) in our view evidences his attitude at the time.

¹ [Day 256/2-5](#)

9.310 We believe that General Ford was keen for there to be an operation in which as many rioters as possible were arrested. He saw the march as providing an opportunity for such an arrest operation.

9.311 We consider that General Ford knew that 1 PARA had a reputation for using disproportionate force. He was aware of the allegations that members of 1 PARA had used unnecessary physical violence at Magilligan Strand. He knew or ought to have known that there was a risk that members of 1 PARA were more likely to use greater and excessive physical force on rioters, and also on innocent marchers who happened to be

caught up in any arrest operation, than were soldiers of the resident battalions. He knew or ought to have known that such conduct could only worsen the already bad relationship between the local people and the security forces, a relationship that the local battalions were striving to improve.

- 9.312** General Ford's choice of this battalion as the arrest force can fairly be criticised on these grounds. However, there is a significant difference between the use of disproportionate physical force in dealing with rioters and others, and the unjustified use of firearms by soldiers. We have found no evidence to suggest that General Ford believed, or had any reason to believe, that the use of 1 PARA might present a greater risk of death or serious injury to civilians by reason of unjustified gunfire than the use of any other battalion.

The differing approaches to dealing with the march

- 9.313** The Army plan to deal with the march that was to take place on 30th January 1972 differed in three significant respects from the plan drawn up by Colonel Steele for dealing with the march originally proposed for 16th January, for in the later plan:

- (i) The Army and not the RUC were to take the major role in the security forces' operation;
- (ii) There was express provision for an arrest operation, albeit one that was only to be launched in specified circumstances; and
- (iii) 1 PARA was given the role of an arrest force.

- 9.314** The march proposed for 16th January 1972 was predicted by 8th Infantry Brigade to be likely to attract 1,000–3,000 people.¹ By the time that Brigadier MacLellan came to give his orders for dealing with the 30th January march, it was estimated that 3,000–12,000 people might attend.² General Ford gave the increase in the predicted number of marchers as the reason for the change of Army plan:³

"It is a definite change of approach. But of course the size of this march, and the indications of the extent of the rioting that was likely to take place, dictated the fact that the Army would have to be in control from the start."

¹ [G49.302](#)

³ [Day 254/48](#)

² [G95.564](#)

9.315 In his written statement to this Inquiry, General Ford told us that:¹

“While I cannot remember the detail, it appears to be the case that the forecasts of the size of the later march and its potential repercussions for law and order in Londonderry were such that large numbers of troops would be required and military control would be necessary.”

¹ B1208.038

9.316 In his oral evidence to this Inquiry, General Ford was asked what he had had in mind when referring to these “*potential repercussions*”. He said that, by the time that he came to decide that the Army would be to the fore and that 1 PARA should act as an arrest force with potential to make 300–400 arrests, he had received from Chief Superintendent Lagan a report that there would be “*extensive repercussions*”. He said that he thought that he had also by this stage received intelligence reports that prophesied violence after the march.¹

¹ Day 254/48

9.317 General Ford was correct in his recollection that he had received Chief Superintendent Lagan’s warnings; they had been forwarded to him in Brigadier MacLellan’s signal of 24th January 1972. However, the Inquiry has not seen any evidence of an intelligence report warning of violence having been received by 25th January, when General Ford discussed his plans by telephone with Brigadier MacLellan.

9.318 General Ford was asked further questions on this topic:¹

“Q. Was part of the thinking that on this occasion, that is to say 30th January, there would in all probability be a lot of hooligans, and also a large number of troops, so that this was an opportunity to arrest them that was not to be missed?

A. It was an opportunity to arrest them. And I also recall there was that message saying that it was very likely that, in the day, they would be determined to break right through to the Guildhall. And that was something which was very uppermost in my mind, because I foresaw not only violence against the barriers, but also, when the march was over, and all the speeches were over, and the last speakers like Bernadette Devlin had raised the temperature, I foresaw the DYH being reinforced by quite a number of the locals who sympathised with them anyway – a proportion who did – and all of them making for the troop positions.

Q. Why did you think that was going to happen, as opposed to the march tailing off, people going, listening to speeches that might or might not be very interesting, and then everything dying down?

A. Because we had an intelligence report, which is quoted in one of these documents, saying that they were determined to get to the Guildhall. Was it not to avenge Magilligan, or something like that? I am afraid, I am sorry, that I do not have the quotation.”

¹ [Day 254/49-50](#)

9.319 General Ford was then shown a signal, sent by David to Brigadier MacLellan on 27th January 1972, in which David passed on information from a source, in fact Observer C, who had suggested that the marchers on 30th January would want to take revenge for events at Magilligan and that they would seek to reach the Guildhall.¹ We deal in more detail below with this signal, which purported to record information received by Observer C on 26th January.

¹ [G81A.511.5](#)

9.320 In his evidence, General Ford said that the signal of 27th January 1972 must have been the one of which he was thinking. Since this signal was received after he had made his initial decision that the Army should take the lead and that 1 PARA should act as an arrest force, General Ford must be mistaken in his recollection that he had seen the signal before making his decision. The information contained in the signal may well have confirmed a belief that he already held. The information available to us suggests that Brigadier MacLellan’s signal was the only document containing specific warnings about violence at or after the march that General Ford had to hand when he first instructed Brigadier MacLellan about his requirements for the Army’s handling of the march. He would, though, have had access to the HQNI IntSum of 13th January 1972, which suggested that the march would present “*serious security problems*”.¹

¹ [G55.339](#)

9.321 It was suggested to General Ford on behalf of some of the families that his own aide-de-camp thought that the parade was to be stopped:¹

“... simply because your view was it was a challenge to the Security Forces, not because of any public order considerations; not because of any genuine policing considerations; that it was, quite simply, a challenge which had to be met.”

¹ [Day 259/7](#)

9.322 General Ford did not accept this suggestion and stated that this was not his view. His evidence was that the march was to be stopped:¹

“... on the grounds that it was an illegal march and orders had been issued saying that it was, like all the other marches.”

¹ [Day 259/7](#)

9.323 We accept General Ford’s evidence in this respect. He issued the order that the march was to be stopped. However, he gave that order because he had to do so; the decisions made by politicians gave him no real choice.

9.324 We also find that there was nothing wrong or sinister in the decision that the Army, and not the RUC, should take the leading role in dealing with the march. The increase in the numbers expected to march made such a decision a reasonable one. The RUC had limited resources and was placed in charge of policing the (smaller) march that was expected to start from Shantallow. Our view is strengthened by the fact that there is no evidence to indicate that Chief Superintendent Lagan thought that it was wrong to put the Army in control of the main march.

9.325 It was suggested to us on behalf of some of the families that General Ford conceived the Army plan for the 30th January march without seeking “*to minimise the risk of the use of lethal force by the security forces, and [that he] created the circumstances in which lethal force was more likely to be used against unarmed civilians*”.¹

¹ [FS1.700](#)

9.326 There can be no doubt that General Ford was unhappy with the security situation in Londonderry and with what he saw as the Army’s passive role there. His memorandum of 10th January 1972 confirms that he held these views. However, to our minds the submission assumes that what in fact happened on 30th January was something that should have been foreseen by General Ford, at least as a possibility, if the march was stopped or an attempt was made to arrest rioters.

9.327 We consider in due course and in detail what in fact happened on the day, but without using hindsight, we find difficulty in seeing how a plan to stop the march led to an increased risk of the use of lethal force, or how it failed to minimise the risk of use of such force against unarmed civilians. Marches had been stopped before without the use of lethal force by the security forces. It was reasonable for General Ford to take the view that the march, if allowed to continue, would be likely to lead to the wrecking of another

Protestant part of the city, and especially the city commercial centre; and that such destruction would cause further harm to the way of life in Londonderry, would inflame Protestants and would show that law and order had broken down. It must also be borne in mind that the decision to stop the march was primarily one made by politicians, and not the responsibility of General Ford.

- 9.328** As to an arrest operation, the purpose was to disrupt the “Derry Young Hooligans” and thus reduce the incidence of their damaging activities. It is true that the implementation of an arrest operation might have increased the risk of republican paramilitaries targeting soldiers; and that if paramilitaries opened fire, there was inevitably a risk that soldiers might respond and that innocent civilians might be caught in the crossfire. However, such a risk could have been avoided only by not making any attempt at all to arrest rioters. Leaving aside the benefits of hindsight and the form the arrest operation eventually took, we are not persuaded that General Ford can be fairly criticised merely on the basis that he should not have ordered any arrest operation.

Meeting at the Ministry of Defence on 26th January 1972 and Anthony Stephens’ submission

- 9.329** On the morning of 26th January 1972, one of the regular morning meetings known as “the PUS’s (Permanent Under Secretary’s) morning meetings” took place at the MoD. The meeting on 26th January was attended by senior MoD officials, by a representative of the Home Office and by a representative of the Foreign and Commonwealth Office. At the meeting, those present noted:¹

“The proposed Creggan march at the weekend posed difficult problems. It would be important to consider carefully both the PR aspects of not attempting to break-up the march in ‘no go’ areas, and also the possibility of adopting some summary procedure for dealing with those involved in the illegal march rather than the long drawn out procedure which had been used in connection with the Christmas and recent NICRA marches.”

¹ [G75DA.462.5.1](#)

- 9.330** It was agreed outside the meeting that there should be a discussion that day between the MoD and the Home Office with a view to ensuring that the opinions expressed at the meeting should be made known to the GOC and the United Kingdom Representative

before the JSC met on 27th January. The GOC and United Kingdom Representative were to be asked to ensure that the JSC gave full consideration to the points made at the Permanent Under Secretary's meeting.¹

¹ [G75DA.462.5.1-2](#)

9.331 Later that day Anthony Stephens, the head of DS10, prepared a submission entitled "Proposed March in Londonderry" for Lord Carrington; the submission was also copied to others in the department.¹ In that submission Anthony Stephens set out for the benefit of members of the Northern Ireland Policy Group the line that the GOC and United Kingdom Representative intended to take at the JSC meeting. The submission was intended to reach members of the Group before their own meeting, and that of GEN 47, both of which were to take place on the following day.

¹ [G74.457-458](#)

9.332 In his submission, Anthony Stephens reported that the GOC considered that the first feasible point at which the Londonderry march could be halted was in William Street, just after it had left what were described in the notes as "*the Catholic enclaves*".¹ He pointed out that the organisers expected that the marchers would enjoy immunity so long as they remained in the Catholic estates and would ensure that television crews were present to record the apparent fact of the ban on marches being successfully defied.² The submission also contained the following observations:³

"4. While we acknowledge privately that the Bogside and Creggan come close to being No-Go areas at present, we certainly do not want to advertise the fact. We are thus faced with the difficulty of justifying a policy of not attempting to halt the marchers within those estates, while avoiding giving credence to the idea of their being No-Go areas. The view of the GOC and UK Rep, which is shared in MoD and Home Office, is that the right line to take is to say that the purpose of the security forces is to prevent the march from achieving its intended object and to bring its organisers to book. The march will be halted and prevented from continuing: it is entirely a matter for the judgment of the security forces to decide at what point to halt it...

6. Leaving aside the special problem of Londonderry, the Protestant community can be expected to remain highly critical if there are not immediate indications that at least some of the marchers will be prosecuted – in contrast with the delay which has followed the recent marches. There might therefore be some advantage in trying to arrest some of the marchers on Sunday and bringing them before a court within 24 hours.

7. The GOC and UK Rep consider, and the Home Office and MoD are inclined to agree, that it would however be unwise to attempt to arrest any prominent political figures who happen to be in the van of the march, since this would be quite likely to precipitate really serious rioting. For such people, the only feasible course remains to take out summonses as soon as possible afterwards. It might be difficult then to arrest others among the marchers, while ignoring the leaders. However, there would be no objection to arresting anyone on the fringe of the march who was causing trouble; and it seems only too likely that, once the march is brought to a halt, there will then be at least some hooliganism. The GOC therefore has in mind to attempt to arrest a fair number of such hooligans and to arrange for a special court sitting on Monday morning, before which they can be brought.”

¹ [G74.457](#)

³ [G74.457-458](#)

² [G74.457](#)

9.333 Anthony Stephens prefaced his submission with the observation that: “*It is primarily up to the Joint Security Committee in Northern Ireland to decide on the tactics which the security forces should adopt for dealing with this march ... However, we agreed this morning that it would be helpful for members of the [MoD’s] Northern Ireland Policy Group to be aware ... of the line which the GOC and UK Rep propose to take at the JSC meeting.*” The role and function of the JSC, and the relationship of this body with the security forces and the wider administrations in Stormont and Westminster, are discussed elsewhere in this report.¹

¹ [Paragraphs 8.16–18](#)

9.334 On the same day, and in addition to the submission discussed above, Anthony Stephens produced a Current Situation Report that was circulated to ministers and officials in the MoD and other departments, including the Cabinet Office.¹ In addition to listing incidents and developments that had occurred in Northern Ireland over the previous 24 hours (which included five shooting incidents in Londonderry and updates and reports on a number of fatalities and casualties elsewhere), the report discussed the planned march in Londonderry in the following terms:

“A further anti-internment march – which is likely to be the largest since they were commenced at Christmas – is planned for Londonderry next Sunday. The intention obviously is for the marchers to form up first within the Bogside and Creggan estates and to march for some distance within those areas, before emerging at a point where it will be feasible for the security forces to prevent them from continuing. It seems certain that television crews will be invited to record the early stages – and that Protestant reaction to the spectacle of a march apparently taking place unhindered will be strong. Preparatory thought is therefore being given to the public relations aspect of this event.

The choice of tactics for actually dealing with the march is essentially a matter for the Joint Security Committee – which is due to meet as usual on Thursday morning, 27 January. The Ministry of Defence and the Home Office are in touch respectively with the GOC and UK Rep about the line which they will be taking at that meeting.”

¹ [G73.454-456](#)

² [G73.456](#)

8th Infantry Brigade's outline plan for 30th January 1972

9.335 8th Infantry Brigade's outline plan for dealing with the march, together with a marked map, was forwarded to HQNI, arriving in time for General Ford to receive it by 0830 hours on 26th January 1972. This plan and the map have not survived. Colonel Steele, who drafted the plan, told this Inquiry that he thought that it would have identified the containment lines and also shown the force levels that were to be present.¹ General Ford considered the plan on the morning of 26th January and ordered Brigadier MacLellan to come to HQNI that afternoon in order to discuss the plan.

¹ [Day 268/68-69](#)

9.336 Those representing some of the families submitted to us that the outline plan must have contained no provision for an arrest operation.¹ The evidence on which they relied in support of that assertion came from the written statement of Colonel Steele to this Inquiry.

¹ [FS1.721](#)

9.337 The relevant part of that statement is as follows:¹

“At the meeting, Brigadier MacLellan outlined how he proposed to contain the NICRA march with the force levels available to 8 Brigade. In essence, Brigadier MacLellan's plan was to observe the march and contain it. I recall the CLF expressing a view at the meeting that this was an opportunity to arrest any hooligan element. Brigadier

MacLellan and I expected there to be hooligans present, and that therefore there would be violence. Accordingly, the CLF said that if the hooligans were going to be there he would allot us 1 PARA to carry out an arrest operation, and the CLF thought that this was a chance for a major scoop up operation. I did not question his stated ambition for a major scoop up operation of 300 to 400 hooligans, nor can I recall whether Brigadier MacLellan did. Afterwards, on further reflection, we both agreed that we would not use a specific figure of arrests in the Operation Order...”

¹ [B1315.003](#)

9.338 This paragraph could be read as suggesting that the outline plan envisaged the use of 8th Infantry Brigade’s existing forces and did not contemplate an arrest operation on any scale. It is not entirely clear. However, in his oral evidence to this Inquiry, Colonel Steele said that he must have been aware, when drafting his outline plan, of the contents of Brigadier MacLellan’s note of his telephone conversation with General Ford on the morning of 25th January.¹ That note made it clear that an arrest operation was contemplated and also identified the additional troops whom the CLF proposed at that stage to make available to 8th Infantry Brigade on 30th January. It seems likely that the outline plan did in fact contemplate an arrest operation. In any event, it is clear that at the meeting General Ford required Brigadier MacLellan to plan for such an operation.

¹ [Day 266/42-3](#)

The meeting of the Director of Operations Committee

9.339 A meeting of the Director of Operations Committee took place at 1000 hours on 26th January 1972. The distribution list at the end of the minutes identifies those who attended.¹ They included General Tuzo, General Ford, the Chief of Staff (Brigadier Tickell), the Director of Intelligence (David), the United Kingdom Representative (Howard Smith), the Chief Constable (Sir Graham Shillington) and the Head of RUC Special Branch (Assistant Chief Constable David Johnston).

¹ [Day 275/91](#)

9.340 Under “*Forthcoming Events*” the minutes recorded:¹

“5. NICRA March Londonderry – 30 Jan. Head of SB said that NICRA plans two marches; one from the Creggan to the Guildhall and the other from Shantallow to the Guildhall. The organisers are holding a further meeting on Thu 27 Jan to plan final arrangements and any further developments would be passed immediately to 8 Bde.

Three courses open to the Security Forces for the main march were then considered. These are:

- a. To stop the march at its start point inside the Creggan.
- b. To stop the march leaving the Bogside/Creggan area.
- c. To stop the march short of the Guildhall.

6. After discussing the implications of each course it was agreed that the second course would be adopted, namely that the marchers would be prevented from leaving the Bogside and Creggan, and that barriers would be placed up to 200 yards inside these areas. It is hoped that speakers, particularly Lord Brockway, would not join the marchers; UK Govt Rep undertook to advise [sic] Lord Brockway accordingly.

7. The second march from Shantallow would be stopped near its starting point.

8. It was agreed that the Army would control the main march with RUC assistance, and that the RUC would deal with the second march, with military support if needed.

9. The Committee noted that there is a prospect of two or three days of unrest in the city if major confrontations take place on Sunday.”

¹ [G75.459-460](#)

9.341 It is difficult to tell from the minutes the distinction that was being drawn between Courses (b) and (c). There is no record to identify the location “*short of the Guildhall*” that the Committee members might have considered a suitable place at which to stop the march. The reference under Course (b) to the barriers being placed up to 200 yards inside the Bogside and the Creggan suggests that the Committee contemplated at that time that the marchers would not be permitted to reach William Street. However, the plan devised by 8th Infantry Brigade, which must have been in purported compliance with the Committee’s decision to adopt Course (b), did not involve the placing of barriers within the Bogside but instead permitted the marchers to proceed along William Street and to reach a point fairly close to the Guildhall.

9.342 It seems likely that the committee members did not in fact discuss the routes or the location of barriers in great depth. It was not the role of this committee to determine matters of operational detail. The then Secretary of the Committee, Major INQ 1869, told this Inquiry that the purpose of the Director of Operations Committee meetings was “*to decide the respective roles of the RUC and the army*”. In the same paragraph, he continued:¹

“It was a question of matching resources to suit the operational issues and problems faced at any one particular time ... There would have been no discussion of which Regiments should be used by the army. This was an issue for CLF to determine. Nor would details of any proposed arrest operation have been discussed. Neither of these issues of relative detail would have warranted discussion at this senior level.”

¹ [C1869.3](#)

9.343 In his oral evidence, Major INQ 1869 confirmed that the placing of barriers was a matter of detail that the committee would not have discussed.¹ However, he also appeared to accept that plans for an arrest operation on the scale contemplated should have been put forward at the meeting. He was certain that the operation was not mentioned.² He rejected the suggestion that a reason for the failure of General Tuzo or General Ford to mention the planned arrest operation was that they wanted to conceal it from the RUC.³ If neither of the Generals did mention the arrest operation, we do not accept that this was by way of deliberate concealment, because we can see no reason for the operation to be concealed from the RUC or from anyone else present at the meeting.

¹ [Day 275/61](#)

³ [Day 275/92](#)

² [Day 275/93-94](#)

9.344 The minutes do not record there having been any reference to the receipt of intelligence about the republican paramilitaries' plans for the march. The Tribunal is aware of information about these plans that the Security Service officer Julian received from the agent Observer C on 26th January 1972. We refer to this in more detail below. The intelligence concerned the situation as Observer C reported it to be at midday on 26th January – after the meeting had started and possibly after it had finished. It was not until the evening of 26th January that Julian passed on orally to David the information that he had been given.¹ It seems to us that the intelligence cannot have reached the members of the Director of Operations Committee while the meeting was still in progress. It is impossible to tell whether the committee was in possession of any other relevant intelligence at that time, since the report by David to the committee under the heading “*Intelligence Review*” was not minuted.

¹ [KJ4.69; G81A.511.2](#)

9.345 In his statement to this Inquiry, Chief Constable Sir Graham Shillington said that Chief Superintendent Lagan's views had been taken into account at the Director of Operations Committee meeting.¹ There is no express reference in the minutes to the advice of Chief Superintendent Lagan but the meeting's decision to stop the march clearly amounted to a rejection of that advice.

¹ JS8.11

The meeting between Major General Ford and Brigadier MacLellan on 26th January 1972

9.346 On the afternoon of 26th January 1972 Brigadier MacLellan attended a meeting with General Ford, as the latter had required. Also present were Lieutenant Colonel INQ 1877, who was the General Staff Officer, Grade 1 – Operations (GSO1 Ops) at HQNI, Brigadier MacLellan and Colonel Steele, who made notes of the meeting.

9.347 Colonel Steele told this Inquiry that he used his notes that night in order to draft the Brigade Operation Order. He said that "*having incorporated into the operation order all the direction that had been given by the CLF*" he destroyed his notes.¹ No other note of the meeting was taken or survives. However, Colonel Steele later helped Brigadier MacLellan to draft the Brigadier's statement for the Widgery Inquiry. The first draft of that statement included a paragraph which set out the directions given by the CLF at the meeting on 26th January 1972. In his oral evidence to this Inquiry, Colonel Steele said that he thought that he had used the Operation Order itself in order to remind himself of the directions given and to draft the relevant paragraph.² A paragraph setting out the directions in essentially identical terms appears in General Ford's written statement for the Widgery Inquiry.³ All of the directions set out there are to be found in the Brigade Operation Order. We have no reason to doubt that the terms of these statements accurately reflect the directions given by General Ford at the meeting.

¹ Day 266/47

³ B1208.077

² Day 266/47

9.348 The relevant paragraph (taken from paragraph 8 of the first draft of the statement of Brigadier MacLellan) is as follows:¹

“8. My Brigade Major, Lieutenant Colonel MCM [Michael] Steele, accompanied me to this meeting at which the Commander Land Forces directed that:

- a. The containment of the Creggan March would be a Military Operation with the RUC in support, and the military in command at all levels.
- b. The dispersal of illegal marches in other parts of the City, and the control of the actual Meeting Point, in Shipquay Place, would be an RUC responsibility with the Military in support.
- c. Any action required to deal with an organised protest sit-down would be an RUC responsibility, and that troops would not be used to disperse such a protest.
- d. The event was to be handled in as low a key as possible, and for as long as possible. To this end:
 - (1) Troops were to take no action against the Marchers until either an attempt was made to breach the blocking points, or violence erupted, in the form of stone, bottle and nail bomb attacks against the Security Forces.
 - (2) CS gas was NOT to be used throughout the event, except as a last resort, and only if troops were about to be over-run, and the rioters could no longer be held off with baton rounds and water cannon.
 - (3) Ringleaders of the March need not necessarily be arrested on the spot, but should be identified and arrested at a later stage.
 - (4) If the March took place entirely in the Bogside and Creggan it was to be permitted to continue unchallenged.
 - (5) Blocking points should be emplaced as late as possible before the arrival of a March contingent to allow normal traffic to flow until the last possible moment.
- e. Once the blocking points had been emplaced no Marchers were to be allowed to proceed through them, except in cases of genuine emergency.

f. The hooligan element was not to be permitted to damage Business, Shopping and Protestant areas of Londonderry. To this end he directed that Tactical Headquarters and 3 Companies of the 1st Parachute Regiment should be held centrally behind the blocking points in the William Street area, and if an opportunity arose, launched in a scoop-up operation to arrest as many rioters and hooligans as possible.

g. Blocking points were to be established as far forward as possible, to keep any violence in the Bogside and Creggan areas, and prevent it from overflowing into the Business and Shopping areas.

h. The maximum number of soldiers were to be 'in the shop window'. They were to be covered by deployment of Observation Posts and by a very large number of snipers, in the anti-sniper role. These Observation Posts and snipers were to be deployed to every possible vantage point...

j. A full photographic record was to be made of the event, including cine colour photography from a helicopter. The developed and printed films were to be delivered to Headquarters Northern Ireland by 1800 hours on 30th January.

k. Finally the Commander Land Forces allocated me additional troops:

(1) 1 KINGS OWN BORDER

(2) 3 RRF (of two companies, and to be used as a Brigade Mobile Reserve).

(3) 1 PARA (three companies of which were to be used as a Brigade Arrest Force)."

¹ [B1279.015–017](#)

9.349 At the meeting General Ford approved Brigadier MacLellan's plan and instructed him to prepare a Brigade order in accordance with it.¹

¹ [WT10.9](#)

9.350 In a draft statement for the Widgery Inquiry, General Ford recorded:¹

“12. During the course of this meeting I gave the directions verbally to the Brigade Commander as to matters required to be included in his Operations Order.

13. In considering the instructions which I gave to Commander 8 Brigade, who was responsible for the planning and implementation of the operation and who therefore prepared the detailed plan, I considered the following factors:

- a. The likely strength of the marchers, their probable routes, and their intentions.
- b. The threat from the gunmen and the hooligans.
- c. The task given to me [by the Director of Operations Committee] to prevent the march from leaving the Bogside and Creggan.
- d. The requirement for identifying and if possible arresting those marching illegally and the possible arrest of any hooligan element.

14. In the two weeks prior to the march, the IRA had been particularly active within the City and 319 shots were fired on the Security Forces in 80 separate incidents and a total of 84 nail bombs were thrown at them. Security Force casualties during this period were two killed and three wounded. Two features of the IRA tactics in these attacks were the deliberate use of crowd cover (demonstrators or the general public in shopping areas) and the use of the hooligan elements in creating suitable opportunities for attacks against the Security Forces. A reliable and detailed intelligence report received during the week preceding the march confirmed earlier reports by including the forecast that the IRA would be using the crowd and hooligan cover technique during the march on 30th January to provide opportunities for attacks on the Security Forces.

15. ... It was the threat from the youths [ie the hooligans] allied to their well known tactics of operating in conjunction with the gunmen and supported by the intelligence reports I had received that the IRA would be taking advantage of their presence, which were uppermost in my mind when formulating the plan for blocking the march.”

¹ B1142-1143

9.351 The Inquiry has not found any relevant intelligence report which was available to General Ford on 26th January 1972 and which warned of the risk that paramilitary republicans would take advantage of the presence of hooligans.

9.352 In his supplementary statement for the Widgery Inquiry, General Ford said:¹

“We normally have insufficient troops in Londonderry to launch a major arrest operation. Secondly, it is difficult to achieve surprise. Thirdly, on an average afternoon only 20 to 50 of the hooligans operate.

I anticipated that the hooligans would turn out in something approaching their full strength on this occasion. One of my anxieties was that after the inevitable emotional speeches the hooligans would be reinforced by a thousand or more of the marchers and would bear down on Waterloo Place with the aim of swamping our troops and causing extensive damage to the shopping centre. Such a major riot would have been difficult to counter ... I foresaw that if such an event happened the level of violence in Londonderry would be very high for anything up to three days after the march.

On the other hand, if an opportunity did occur before the end of the rally when the hooligans were separated from the main crowd and we could have arrested a large number of them, I hoped by this means we would have prevented a major escalation of violence later that evening.”

¹ [B1152-1153](#)

9.353 In his oral evidence to the Widgery Inquiry, General Ford added that he had been informed that there were 500 hooligans in Londonderry, of whom 250 were “*hardcore*”.¹

¹ [B1162](#)

9.354 Colonel Steele said that he could not now recall a discussion with General Ford about the General’s ambition to arrest 300–400 rioters but he had no doubt that such a discussion had taken place.¹ He said it had not been for him to tell General Ford that the numbers were unrealistic but that he and Brigadier MacLellan had agreed afterwards that they would not include these unachievable figures in the Operation Order.² It seems, though, that by this stage General Ford had come to realise that his initial figure was too ambitious; his evidence is that, as the march drew nearer, the figure was scaled down to a proposed figure that may have been as low as 80.³ He did not think that administrative arrangements to arrest 300–400 were put in place. General Ford did not say in his evidence when the numbers were reduced; he did not recall either his telephone call with Brigadier MacLellan or the meeting on 26th January 1972 and his memory on this topic was vague.⁴ Had he at the meeting spoken of a plan to arrest 300–400 then it seems to us that the Operation Order, drafted within hours of the meeting, would have had to deal with the arrangements necessary for the reception of over 300 prisoners. It should be noted at this point that Colonel Wilford was quoted in the *Times* on 1st February 1972 as

having said that the Army had hoped to arrest 200–300 but had only managed to catch 50–60.⁵ He was not, of course, at the meeting and it may be that Colonel Wilford had not been made aware that the figures had been revised downwards.

¹ Day 268/1

⁴ Day 254/44; Day 256/20

² B1315.003; Day 268/1

⁵ L130

³ Day 254/45

9.355 Colonel Steele's recollection was that he was able to demonstrate at the meeting on 26th January 1972 that the most efficient deployment of troops on 30th January lay, in essence, in each local company remaining in the area in which it was usually deployed. Some of these companies were outside the city of Londonderry and so were not available to be used to police the march. At the time, the Coldstream Guards and 22 Lt AD Regt were responsible for the city. 1 CG had only three companies in the city and was badly undermanned. Only one company of 2 RGJ and two of 1 R ANGLIAN were available to help in the city, the remaining companies of these battalions being deployed on other tasks in the county of Londonderry. According to Colonel Steele, Brigadier MacLellan asked General Ford at the meeting for six additional companies to be provided to 8th Infantry Brigade in order to deal with the march. General Ford agreed, and said that the Brigade would be given a battalion (consisting of four companies) of 1 KOB, who would support 1 CG, and two companies of the Royal Regiment of Fusiliers, who would act as a reserve. In addition, three companies of 1 PARA would be present to carry out any arrest operation. A further company of 1 PARA would be provided to act as an additional reserve.¹

¹ Day 268/149-154

9.356 Colonel Steele went on to say:¹

“... the reason why I have gone into all that in some detail ... is because this is the reason why 1 Royal Anglian and 2 RGJ were just not able to be able to do any other task than that given to them and, furthermore, that if there was to be an arrest operation, it made absolute sense that it should be done by one complete unit.”

¹ Day 268/155

9.357 He could not recall, though, whether the commitment of the local battalions to other tasks was a reason given during the course of the meeting for the selection of 1 PARA as the arrest force.¹ However, it should be borne in mind that General Ford had already ordered that 1 PARA should be the arrest force. Thus it was not open to Colonel Steele or

Brigadier MacLellan to give the arrest task to any other unit and so the availability of companies of the local battalions was irrelevant. There seems to us to have been no reason for a discussion at the meeting of their availability.

¹ [Day 266/47](#)

9.358 Colonel Steele's written evidence to this Inquiry was that there was no discussion at the meeting about the use of 1 PARA as an arrest force.¹ This is consistent with the recollection of Brigadier MacLellan who said:²

"I was given a direct order by General Ford to launch an arrest operation if the soldiers were attacked by the hooligans and he specifically allotted 1 PARA for the task. This was not a matter for debate and there was no discretion as far as I was concerned."

¹ [Day 266/46](#)

² [B1279.033](#)

9.359 General Ford, asked at this Inquiry to comment on this passage from Brigadier MacLellan's evidence, replied, "*I would agree with every word*".¹

¹ [Day 256/20](#)

9.360 Brigadier MacLellan thought that the term "*scoop-up*", which was not one that he would have used, was first used by General Ford in their telephone conversation on 25th January 1972.¹ Colonel Steele recalled General Ford using the term "*scoop-up*" to describe the task that he wanted 1 PARA to perform. It was not a term that the Brigade Major had previously heard, although he regarded it as self-explanatory. He said that there was no discussion at the meeting about the way in which 1 PARA would be expected to get around the back of the hooligans in order to arrest them.² He thought that, having been ordered to conduct an arrest operation and given the troops to do it, it was up to 8th Infantry Brigade to execute the CLF's direction and write the Operation Order.³

¹ [Day 261/55](#)

³ [Day 268/155](#)

² [Day 266/47-48](#)

9.361 Brigadier MacLellan also recalled that there was no discussion at the meeting about how the paratroopers would get behind the rioters: his view was that the Commanding Officer of 1 PARA was to be given a straightforward task of arresting as many hooligans as possible and that "*the actual details of the tactical plan ... were up to the commanding officer [of 1 PARA]*".¹

¹ [Day 261/54](#)

9.362 When he gave evidence to the Widgery Inquiry, General Ford was shown paragraph 9(f) of 8th Infantry Brigade's Operation Order for 30th January 1972,¹ which was drafted on 28th January and which stated that the arrest operation would be likely to take place on two axes, one in the area of William Street and Little Diamond and one in the area of William Street and Little James Street. (We consider this Operation Order below.) He was then questioned further about the plans that had existed on 26th January for the arrest operation:²

"Q. Was it envisaged on the 26th January that the scoop-up operation would involve troops going to the northern end of the Rossville Flats?

A. The northern end of the Rossville Flats was not specifically mentioned, but the principle, if you would like me – it was always intended that if an opportunity occurred the scoop-up operation would be such that someone would be able to get behind the hooligans. Otherwise there was no object in launching it.

Q. That is what my Lord would probably have expected. You wanted to get behind them and then trap them between the troops and the barricades?

A. That is correct.

Q. What I am asking you at the moment is in order to do that it was envisaged that the troops might advance some hundreds of yards into the Bogside?

A. In fact, there was no discussion at that meeting about the details of the scoop-up operation. It was a matter for the Brigade Commander.

Q. Does that answer, General, go also to such detailed matters as to how the people who were rioters should be distinguished from those who were not, apart from the fact that most of the peaceful march had proceeded beyond that area? Was there any discussion as to how there was to be a distinction between the rioters and people who were not rioters but who might have been left behind from the main body of the march?

A. No, there was no discussion except that there was mention of the fact that there must be a favourable opportunity to launch the operation.

Q. What in that context was regarded as a favourable opportunity?

A. Separation of the marchers from the hooligans.

Q. Those are the only two topics that were mentioned at your discussion with the Brigadier on this sibject [sic]?

A. In the arrest operation, yes.

Q. That answer also includes such detailed matters as to how arrest squads were to be armed and equipped?

A. Oh yes, definitely.”

¹ G95.570

² WT10.48-49

9.363 General Ford, when giving evidence to this Inquiry, had no recollection of the discussions at the meeting on 26th January 1972. We would be surprised if separation had been discussed in detail at the meeting and are not persuaded that it was. It seems to us that in the context of the meeting a “*favourable opportunity*” would have been one which permitted the troops to get behind the rioters in order to trap them; previous attempts at frontal assaults on rioters had proved futile. Those present at the meeting concentrated on the need for there to be such a favourable opportunity for arrests to be made. It follows that the evidence that General Ford gave to the Widgery Inquiry on this topic was inaccurate.

9.364 We do not criticise General Ford for not having given more detailed instructions to Brigadier MacLellan or for having failed to say in terms that any arrest operation should be so planned to ensure that only rioters, and not peaceful marchers, were caught. It was for 8th Infantry Brigade, having been given the task of dealing with the march and, if necessary, for making arrests, to create an adequate and detailed plan for doing so.

Information received from Observer C on 26th January 1972

9.365 Reference has been made above to the information provided by Observer C on 26th January 1972. The intelligence that he provided is recorded in two file notes, one made by Julian and the second by his colleague, James.

9.366 The relevant part of Julian’s note is as follows:¹

“NOTE FOR FILE

I saw [Observer C] at [Observer D’s] house on 26th January. Apart from the intelligence in the note for file at serial [...] he also gave me the following, which was passed by me verbally to David [...] that evening.

2. Plans for the march were as follows:-

Form up point was to be at Bishopsfield by the roundabout near St. Mary's Church down Eastway and Westland St., Rossville St., and William St., Waterloo Pl. and then to the Guildhall. The marchers would prefer, however, after leaving Eastway to proceed via Lonemoor Rd, Infirmary Road down Gt. James St. to Waterloo Place as this route took in a greater [number] of Flashpoints, including the R.U.C. station in Strand Rd. The marchers were expecting to meet security forces road blocks and had made plans for alternative routes if necessary. They were also prepared to cause diversions to draw troops from the main route, using their hooligan element. These diversions were probably taking place in the Brandywell area.

3. Speakers at the Guildhall were expected to be Lord Brockway who was not, himself, marching; Bernadette DEVLIN; Eamon McCANN; John HUME; Frank McManus."

¹ [KJ4.71](#)

9.367 The note is dated 31st January 1972.

9.368 The additional file note to which Julian referred in the first paragraph of his note was also dated 31st January 1972 and was signed by Julian's colleague, James. This note was in the following terms:¹

"NOTE FOR FILE

On Monday 31st January at about 9.45 a.m. David [...] phoned and asked me to pass over, within half an hour, the gist of the intelligence we had given to him verbally during the previous week when Julian [...] was in Northern Ireland and in touch with [Observer C].

2. Accordingly I phoned Brigadier LEWIS ... who was not available, but passed the following message to his Staff Officer:-

'A reliable source, [...] reported on 26th January that the organisers of this Londonderry march on 30th January were planning their route to pass the maximum number of flashpoints and had prepared alternative routes as they knew they would be stopped by the security forces. It was believed that the marchers would be armed with stones and bottles and that the I.R.A. would use the crowd as cover for sniping attacks on the security forces. The organisers were determined to have their revenge for Magilligan, which they regarded as

a humiliating defeat. Also that the hooligan element would be used to create diversions and draw the troops away from the main route.'

3. The above message was passed to M.O.D. at approx. 10.10 a.m. on 31st January 1972."

¹ KJ4.74

- 9.369** Brigadier Lewis was a member of the Defence Intelligence Staff at the MoD in London.
- 9.370** The information attributed to Observer C in these file notes of James and Julian is reproduced in a signal, which David sent to Brigadier MacLellan on the morning of 27th January 1972. We deal with that signal in more detail below. There is one minor discrepancy in that James's file note referred to the marchers being armed with "*stones and bottles*" and the signal suggested that they would be armed with "*sticks and stones*". In our view this slight inaccuracy in reporting Observer C's information is insignificant.
- 9.371** We accept that Observer C provided information to Julian on 26th January 1972 and that the two file notes reflect accurately the information that he provided. We are satisfied that Observer C was a reliable agent. We have no reason to believe that Julian did anything other than pass on information with which he had been provided. At that time, neither Observer C nor anyone within the Security Service would have expected Observer C's information ever to become public. We do not believe that Observer C had any reason to lie or that any Security Service officer had any reason to fabricate these file notes.
- 9.372** We do not know how or from whom Observer C obtained any of the information that he relayed to Julian. As it turned out, there were elements of truth in the information provided by Observer C. We know that some marchers were indeed armed with sticks and stones. We accept that Observer C received this information and have no reason to believe that he did anything other than pass it on in good faith. We deal in the course of this report in more detail with the plans of the organisers of the march, of the paramilitary republicans and of the hooligan element. Suffice it to say at this stage that, although aspects of Observer C's report proved to be accurate, others did not.
- 9.373** Observers C and D both died before their relevance to this Inquiry became known and so could not be questioned. In reaching our findings concerning the information provided by Observer C, we have taken into account the evidence to this Inquiry of Julian, who, as Observer C's handler, gave evidence to us about the reliability and access to information of this agent. Julian's evidence was:¹

“My recollection, which I have confirmed by reviewing Observer C’s agent file, is that he was a very reliable agent. The source report file shows that, by July 1970, Observer C was described as reliable ie his reporting had been substantiated by other intelligence or borne out by events ... In the weeks prior to Bloody Sunday, he produced a series of reports about attitudes among the Republican community in Londonderry to the Army and to the IRA; plans for civil unrest and the IRA’s activities locally. While he was not a member of the IRA and therefore did not have direct access to its decision making, Observer C was a very accurate observer of events around him and was a member of community groups such as the Londonderry Tenants Association. He was thus well placed to report on reactions to British Government policy in Northern Ireland and on plans for protest marches, demonstrations etc.”

¹ [KJ4.32](#)

9.374 In addition, we have considered material that was provided to us by the Security Service, that we have not been able to make public and that concerns the background, reliability and access to information of Observers C and D. This includes information that assisted us in assessing the extent of the access that Observer C had to republican paramilitaries in Londonderry and therefore the extent to which he was able to obtain reliable information about their plans. In order to protect the lives of others, we cannot provide to the public further details of the material that we have considered.

9.375 It was submitted to us on behalf of some of the families that it is curious that the file notes setting out Observer C’s information were themselves drafted after Bloody Sunday.¹ We see nothing sinister in this. Julian explained that the notes were compiled when it was safe and convenient for this to be done. There seems to us to be no reason to suspect that these documents were manufactured dishonestly; they were not used publicly in the aftermath of Bloody Sunday to justify the Army’s conduct on the day.

¹ [FS1.801](#)

9.376 It was further suggested to us that Julian lied to this Inquiry in saying that he had forgotten, until reminded during the course of the Inquiry, about the existence of Observer C.¹ We reject this suggestion. Many years have passed since Julian dealt with Observer C. We understand that it was he who during the course of this Inquiry reminded

members of the Security Service about Observer C, having recalled the existence of the agent. Such conduct is inconsistent with any wish to conceal his knowledge of Observer C.

¹ FS1.801

- 9.377** As we have already noted, it was during the night of 26/27th January 1972 that Colonel Steele drafted the Operation Order for the 30th January march. His draft was ready for the morning meeting of 8th Infantry Brigade staff officers, which commenced at 0830 hours on 27th January. The information provided by Observer C on 26th January was not available to Colonel Steele when he drafted the order, as 8th Infantry Brigade did not receive it until 27th January.

The signal sent by David on 27th January 1972

- 9.378** At 1010 hours on 27th January 1972, David sent a signal to Brigadier MacLellan, which contained a summary of the intelligence provided by Observer C on the previous day. David copied the signal to Assistant Chief Constable Johnston, saying that the signal was based on information that had come from London and explaining that he had first sent the signal to Brigadier MacLellan as the Brigadier was having a planning meeting that morning.¹ Julian explained to this Inquiry that the reference to the information having come from London indicated that he, Julian, had returned to London by the time that the information was transmitted in writing, or that he had sent the information to James who was at that time in London, or simply that the information was regarded as having come from London because Julian was London-based, even though he may have been in Northern Ireland at the time.²

¹ G81A.511.1

² Day 326/59-61

- 9.379** The relevant part of the signal is as follows:¹

“Following is personal for Commander from Director of Intelligence:

One. The source known to you has provided the following information about plans for the march on 30 Jan as at about noon on 26 Jan. We believe that there is to be a further planning meeting and you should regard the information in this signal as tentative.

Two. The meeting is to form up at Bishops Field and to proceed via the roundabout in St Mary's Church and east way. The organisers expect that it will be stopped and ... have alternative routes from there on, the preferred one being Lonemoor Road/ Infirmary Road/Great James's Street and thence to the Guildhall through Waterloo Place. The route passes the maximum number of flashpoints. If prevented from following that route, the alternative is Westland Street and Rossville Street.

Three. The organisers are considering a possible diversion in the Brandywell area using young hooligans whom they would prefer out of the way of the March.

Four. Source believes that the marchers will be armed with sticks and stones and he expects that the IRA will use the crowd as cover. The organisers are determined to have their revenge to what they regard as a humiliating defeat at Magilligan where they found themselves with nothing more lethal than sand to throw. They are determined to get to the Guildhall come what may.

Five. Speakers will include Bernadette Devlin, Eamon McCann, John Hume and Frank McManus. Lord Brockway is also likely to speak but it is understood he will not take part in the march. From this, it seems possible that the nucleus of the meeting will form up in Guildhall Square independently of the march."

¹ [G81A.511.2-3](#); [G81A.511.5](#)

9.380 The intelligence set out in the signal is clearly that supplied to Julian by Observer C on the previous day. The majority of the information provided by Observer C concerns the plans of the organisers of the march. The information of greatest interest to the Inquiry, however, is Observer C's report that he expected the IRA to use the crowd as cover.

9.381 Julian, in evidence to this Inquiry, could not remember whether Observer C had ever mentioned the basis of his belief that the IRA would use the crowd in this way. Julian was able only to say:¹

"I should think [the belief] was one of either Observer C himself or one of his subsources or general feeling within the population, I do not know."

¹ [Day 325/70](#)

9.382 Colonel Steele and Brigadier MacLellan, in evidence to this Inquiry, said that they did not recall seeing the signal, although Brigadier MacLellan accepted that he must have received it.¹ Colonel Steele told us that he was surprised to see in the signal the reference to marchers being armed with sticks and stones, since he had been told that the marchers would be orderly and peaceful.²

¹ [Day 261/64-65](#)

² [Day 266/76](#)

9.383 The information contained in the signal does not appear to have caused any change of plan at 8th Infantry Brigade. The Operation Order for the march on 30th January 1972 (which we consider in more detail below) included, under the heading “*Background*”:¹

“f. We expect a hooligan element to accompany the marches, and anticipate an intensification of the normal level of hooliganism and rioting during and after the march. Almost certainly snipers, petrol bombers and nail bombers will support the rioters.

g. Bombers may intensify their efforts to destroy Business and Shopping premises in the City Centre during the event, while the attention of the Security Forces is directed towards the containment of the march.”

¹ [G95.565](#)

9.384 In the same document, the following “*threat*” was identified:

“b. IRA terrorist activity, to take advantage of the event, to conduct shooting attacks against the Security Forces, and bombing attacks against Business, Shopping and Commercial premises in the City Centre.”

9.385 The Operation Order was drafted before receipt of the signal. There is nothing to suggest that there was any amendment to the Operation Order following the arrival of the signal. In our view the paragraph in the Operation Order referring to IRA terrorist activity as one of the threats faced by the Security Forces was drafted before the signal was received and was not added later as a result of it. The risk of attack from either or both the Provisional and the Official IRA and the likelihood of hooligan activity were clearly matters that the security forces were bound to take into account, bearing in mind the security situation at the time.

- 9.386** Brigadier MacLellan, in his oral evidence to this Inquiry, referred to the warning, contained in the signal, that:¹

“Source believes that the marchers will be armed with sticks and stones and he expects that the IRA will use the crowd as cover. The organisers are determined to have their revenge to what they regard as a humiliating defeat at Magilligan ... they are determined to get to the Guildhall...”

¹ [Day 261/66](#)

He added that it told 8th Infantry Brigade nothing that the officers either did not already know or had not anticipated as a possibility. We accept that this was the case.

- 9.387** It does appear that the signal provided one new piece of information on which 8th Infantry Brigade acted. As will have been seen, the signal contained the warning:¹

“The organisers are considering a possible diversion in the Brandywell area using young hooligans whom they would prefer out of the way of the March.”

¹ [Day 261/70](#)

- 9.388** In Brigadier MacLellan’s notes for the co-ordinating conference, which he held with the battalion commanders on the following day (28th January 1972), there is a reference to intelligence having been received of a threat to the Brandywell.¹ It seems clear that the Army’s knowledge of potential trouble in the Brandywell area came from the signal sent by David to Brigadier MacLellan on 27th January. Colonel Steele in his oral evidence to this Inquiry accepted that this was the case.²

¹ [G88.538](#)

² [Day 266/77](#)

- 9.389** The signal is recorded as having been sent by David to Assistant Chief Constable Johnston, and to Brigadier MacLellan. A manuscript annotation on the covering letter indicates that the letter was also seen by the Chief Constable, the Assistant Chief Constable (Operations) and by Detective Chief Inspector Samuel Donnelly, Head of RUC Special Branch in Londonderry.¹ Detective Chief Inspector Donnelly told this Inquiry that he had no recollection of having seen or read the signal.² In his written statement to this Inquiry, Chief Superintendent Lagan told us:³

“I had heard prior to Bloody Sunday from information that originated from the army that the IRA would be present in the Bogside on Bloody Sunday to do the usual (i.e. to use guns) ... Following assessment, I did not put any particular weight on this intelligence.”

¹ G81A.511.1

³ JL1.6-7

² Day 423/5

9.390 It seems likely that Chief Superintendent Lagan was referring to the information contained in the signal. However, by the time that the signal came to the notice of this Inquiry he was too ill to be shown it or to be asked further questions. We were unable to ask Sir Graham Shillington (the then Chief Constable), Assistant Chief Constable Corbett or Assistant Chief Constable Johnston for their recollections because each had either died or become too ill to be asked by the time that the Inquiry obtained the signal. Colonel Wilford did not recall having seen the signal or having been informed of its contents.¹

¹ Day 312/10-12

9.391 David, in his written evidence to this Inquiry, stated that he could remember nothing about the signal.¹ In his oral evidence, he said that he did recollect the intelligence contained in the signal.² It seems to us that David might have been confused when giving this answer. It is inconsistent with the rest of his written and oral evidence. In his oral evidence³ he appeared to know nothing about the origin of the information or how he came to compile the signal.

¹ KD2.4

³ Day 330/76

² Day 330/24

9.392 Despite our inability to question all known recipients of the signal, it seems to us from all the other evidence that the senior Army and police officers responsible for dealing with the march did not regard the signal as providing them with information of great value. It did not cause the security forces to change their tactics for the day and was not sufficiently memorable for its recipients, or even its sender, to recall it many years later.

9.393 Only one copy of the signal has been located. It was in microfilm form and was found in 2002 within the archives of the Police Service of Northern Ireland when a check was being made to ensure that all relevant information had been brought to the attention of this Inquiry. The signal was on a microfilm that had been overlooked when the police first provided documents to the Inquiry in 1999. We have no doubt that a genuine error was made in that in 1999 the RUC (as the police service then was) wrongly but honestly believed the microfilm to be a copy of a film already made available to the Inquiry. The

Security Service and the MoD were unable to locate any copy of the signal within their own files. It was suggested on behalf of some of the families that the signal had been deliberately withheld from the Inquiry for a number of years by the Security Service and the MoD.¹ We reject that suggestion. There is no evidence to support it. Further, we can see no way in which these organisations, or any other state agency, could have benefited, or expected to benefit, from withholding this document for three years.

¹ [FS1.132](#); [FS1.135](#)

Other references to intelligence

9.394 There has been controversy over the extent of the intelligence available to the security forces before the march about the plans of paramilitaries for the day. The signal is the only document which has survived and which (a) contains relevant intelligence material and (b) is known to have reached Brigadier MacLellan and other officers making the security forces' plans for the march.

9.395 Documents have been provided to the Inquiry that refer to the receipt of intelligence material but that do not identify that material. The following passage appears in the HQNI Operational Summary for the week ending 28th January 1972:¹

"The march in LONDONDERRY will present particular problems, and a greater than usual opportunity for demonstrating the difficulties of preventing violations of the ban in Republican areas. Intelligence reports indicate that the IRA are determined to produce a major confrontation by one means or another during the march."

¹ [G83.526](#)

9.396 We are not aware of any intelligence reports, other than the report of Observer C, to which the author of the Operational Summary could have been referring. It is possible that the author was referring to the information provided by Observer B to IO1 on 25th and 27th January about paramilitaries drilling before the march. However, we have seen no evidence to indicate that any information given to IO1 was passed on, either to HQNI or at all. If IO1 did pass Observer B's information to HQNI, there is nothing to suggest that this information reached those responsible for dealing with the march.

9.397 The Northern Ireland Weekly Intelligence Report of 28th January 1972 was compiled in London by Brigadier Lewis of the Defence Intelligence Staff. Part of this report contains the following:¹

“The march in LONDONDERRY will present particularly difficult problems for the security forces. We estimate that as many as 12000 Catholics from the Creggan and Bogside will march come what may to the Assembly Area at the Guildhall. Apart from a hard core of professional hooligans who will certainly be seeking to exploit the situation as the rally disperses if not before, gunmen may be present.”

¹ [G85.532](#)

9.398 The absence of any express reference to the receipt of intelligence makes it difficult to determine whether Brigadier Lewis was relying on specific information about the likely presence of gunmen or was expressing an opinion based simply on his general knowledge of the situation in Londonderry.

9.399 Colonel Dalzell-Payne, the head of MO4, the MoD branch responsible for Northern Ireland, used the above extract from Brigadier Lewis’ report to brief the press after Bloody Sunday.¹ In an article in the *Times* on 1st February 1972, Colonel Dalzell-Payne’s briefing was reported to have included the information that:²

“Weekend intelligence reports indicated that ‘the Londonderry march would cause problems: apart from the hard core of hooligans who will be seeking to exploit the situation, gunmen may be present’.”

¹ [Day 245/27-28](#)

² [L128](#)

9.400 In his oral evidence to this Inquiry, Colonel Dalzell-Payne said that he had guessed that Brigadier Lewis’ information was based on intelligence but did not know what that intelligence was.¹

¹ [Day 245/27](#)

9.401 Reports drafted after 30th January 1972 contain references to the receipt before the march of more than one piece of intelligence. Brigadier Marston Tickell, General Tuzo’s Chief of Staff at HQNI, wrote a report dated 31st January 1972 which included the following passage:¹

“A reliable and detailed intelligence report received during the week preceding the march confirmed earlier reports by including the forecast that the IRA would be using the crowd and hooligan cover technique during the march on 30 January to provide opportunities for attacks on the Security Forces.”

¹ [G102.610](#)

9.402 It is possible that one of the “*earlier reports*” was the report from Observer B. However, Observer B’s reports contained no reference to the potential use by the IRA of the crowd and/or hooligans as cover. We have not been able to trace any additional earlier reports; whether or not there were such reports remains a matter of doubt in our minds. Brigadier Tickell was unable to assist; he thought that he would have seen the “*reliable and detailed intelligence report*” (which seems overwhelmingly likely to have been the signal sent by David) but could not recall having seen either that or any other report.¹

¹ [CT1.4](#); [CT1.57](#); [Day 244/132](#)

9.403 Lieutenant Colonel Overbury and Lieutenant Colonel Hamilton (the latter being GSO1 (Plans) and a member of the HQNI team responsible for the preparation of Army evidence for the Widgery Inquiry) also used the same passage in their Summary of Events dated 5th February 1972.¹

¹ [G116.754](#)

9.404 On 1st February 1972, speaking in the House of Commons, Lord Balniel, the Minister of State for Defence, said:¹

“Intelligence information had given the security forces good reason to believe that the I.R.A. would exploit the opportunities afforded by the march and subsequent rioting to mount attacks on the security forces.”

¹ [G106.644](#)

9.405 According to paragraphs 14 and 15 of 8th Infantry Brigade’s IntSum 102 of 2nd February 1972:¹

“14. The Intelligence assessment made before the march was confirmed by events – the organisers, intent on defying the ban, led the marchers into direct confrontation with the Security Forces, then lost control of the hooligans, and the IRA took advantage of the situation to attack troops using snipers and nailbombers.

15. ... On 26 Jan a reliable source reported from the Creggan that the marchers would be armed with sticks and stones and that they were determined to avenge the humiliation of Magilligan on 22 Jan. It was also reported that the IRA intended to begin shooting using the crowd as cover. All these predictions and reports were proved correct.”

¹ [G108.655](#)

9.406 The accuracy of paragraph 14 is something that we consider when dealing with the march itself.¹ Suffice here to record that in the end the organisers did not lead the marchers into direct confrontation with the security forces, but their stewards did lose control when attempting to direct the marchers away from the barrier in William Street.

¹ [Chapters 13–15](#)

9.407 Paragraph 15 is clearly based upon the information contained in the signal. As will be seen from our detailed consideration of the events of the day, the predictions and reports said to be correct in this IntSum were in fact largely incorrect, though there were some on the march who wanted to confront the soldiers because of what happened at Magilligan Strand, and who had armed themselves with sticks and stones.¹ Further, the language of the IntSum suggests that the information in the signal was more definite in its terms than in fact it was. The signal recorded that the source (Observer C) “*expects that the IRA will use the crowd as cover*”.² According to the IntSum, there was a report “*that the IRA intended to begin shooting using the crowd as cover*”.

¹ [Paragraphs 14.3–4](#)

² [G81A.511.5](#)

9.408 The HQNI IntSum for the week ending 2nd February 1972 (5/72)¹ also contains a paragraph referring to the receipt of intelligence before the march. It is apparent that the reference is to the intelligence contained in the signal:

“From an intelligence point of view the interesting factors were, firstly a forecast that the IRA would attempt to use the marchers as cover to mount attacks on security forces, and secondly that there were those amongst the organisers who were determined that the march should be a revenge for Magilligan the previous Sunday, which they regarded as a failure and during which they had nothing more lethal to throw than sand.”

¹ [G110.673](#)

9.409 Paragraph 2 of the Special Branch Assessment for the period ending 3rd February 1972 was as follows:¹

“Prior to the Londonderry march there had been reliable intelligence that the IRA intended to exploit the presence of crowds as cover for their gunmen and that the organisers expected the march to be stopped but were determined to reach the Guildhall to make up for what they regarded as the fiasco of the Magilligan demonstration where, according to themselves, they had nothing more lethal than sand to throw at the Security Forces. According to an interview reported in the *Irish Press* of 1st February, a leading member of the Brady IRA admitted that his men had been behind the parade, with guns, but had not been allowed in the vanguard of the parade.”

¹ [G112.697](#)

9.410 The reference to an interview in the *Irish Press* newspaper appears to be a reference to an interview with an unnamed member of the Provisional IRA, in which the man is quoted as saying, in response to the allegation made by General Ford that his men had come under fire:¹

“I can state definitely that each and every one of our men were ordered to stay from the top of the march and to remain behind with their guns.

‘None of them was involved in any shootings and it was not until it was all over that they were able to get in to shoot a few sporadic rounds at the troops.’”

¹ [L110](#); *Irish Press* 1st February 1972

9.411 At the time to which the signal referred, the reference to the organisers being adamant that they would go to the Guildhall is likely to be accurate. As discussed later in this report,¹ it was not until a late stage that the organisers decided instead for the march to go to Free Derry Corner. It was suggested by those acting on behalf of some of the families that the information in the signal given by David was not:²

“... believed to be accurate by those in the Security Service who were responsible for creating or relaying it”

and they voiced their suspicion that it was:

“... created and/or forwarded to 8th Brigade in order to put on record an ‘IRA threat’ which could be used after the event to assist in pinning responsibility on the IRA for any civilian casualties which might occur.”

¹ Paragraphs 15.1–5

² FS4.85

9.412 The submission does not identify the person or persons in the Security Service alleged not to have believed the information in the signal to be accurate; nor does it identify anyone said to have created or forwarded the signal for malign purposes. The suggestions were not put to either David or Julian, the obvious candidates, when they gave evidence to us. We are satisfied that the information was properly received and forwarded by the Security Service. We are also satisfied that, with the possible exception of the information from Observer B, the information contained in this signal was the one piece of specific intelligence received before 30th January that indicated that republican paramilitaries would be likely to shoot at the Army using the crowd as cover.

9.413 It was submitted to us on behalf of some of the families that the security forces had no reason to anticipate IRA violence on the march.¹ The signal warned that the marchers might be armed with missiles and that “*the source expects that the IRA will use the crowd as cover*”. It is not entirely clear whether the source was in fact warning that the IRA would use peaceful marchers as cover or that paramilitaries would shelter behind those “*armed with sticks and stones*”. There had been no previous instance of paramilitaries using non-violent marchers as cover in order to fire at troops; however, paramilitaries had undoubtedly in the past used rioters as cover. It was virtually inevitable that riots would follow the march on 30th January; and in our view the security forces could reasonably anticipate that paramilitaries would take the opportunity presented by such riots to shoot at troops. The signal, at most, reinforced the existing views of those who read it that paramilitary violence could be expected.

¹ FS1.776

The Brigade Operation Order

9.414 Colonel Steele presented the Brigade Operation Order¹ for the 30th January 1972 march to the 8th Infantry Brigade staff officers at 0830 hours on 27th January. It was approved by Brigadier MacLellan² and was sent to General Ford at HQNI.³ The operation was code-named Forecast, a name selected sequentially from an existing list. The parts of the Operation Order of greatest relevance to the Inquiry are as follows:

“1. Background

a. The present declared intention of NICRA is that on 30 January at 1400 hrs a march will proceed from Bishops Field, Creggan, and from Drumleck Drive Shantallow, both to converge on Shipquay Place, where a public meeting will be held in front of the Guildhall.

...

c. The advertised routes of the two marching contingents are as follows:-

(1) From Bishops Field, Creggan. Via Eastway, Westland Street, Rossville Street, William Street, Waterloo Place, Shipquay Place.

(2) From Drumleck Drive, Shantallow. Via Race Course Rd, Buncrana Rd, Pennyburn Pass, Duncreggan Rd (East), Strand Rd, Waterloo Place, Shipquay Place.

...

e. The strengths of the marches are difficult to estimate, and reports differ wildly.

(1) From Bishop's Field, Creggan. The estimate ranges from 3000 at the lowest, to between 8000 and 12000 at the highest. Experience of previous NICRA marches both in Derry and elsewhere throughout the Province points to an approx march strength of 5000.

...

f. We expect a hooligan element to accompany the marches, and anticipate an intensification of the normal level of hooliganism and rioting during and after the march. Almost certainly snipers, petrol bombers and nail bombers will support the rioters.

g. Bombers may intensify their efforts to destroy Business and Shopping premises in the City Centre during the event, while the attention of the Security Forces is directed towards the containment of the march.

2. The Threat. These are currently assessed as:

a. A deliberate attempt to defy the marching ban, resulting in a direct confrontation being made between the marching contingents and the Security Forces.

b. IRA terrorist activity, to take advantage of the event, to conduct shooting attacks against the Security Forces, and bombing attacks against Business, Shopping and Commercial premises in the City Centre.

c. Hooligan reaction to the general excitement of the event, in the form of stone, bottle and nail bombing of troops, arson of private premises and vehicles, and a high degree of violence throughout the City. Although this violence is expected to continue throughout the event, it will intensify during the closing stage of the event, especially in the William St/Rossville St area; it is possible that hooligan violence may continue thereafter for several days.

...

MISSION

5. 8 Inf Bde is, on 30 January, to prevent any illegal march taking place from the CREGGAN, and to contain it, together with any accompanying rioting, within the Bogside and Creggan areas of the City. It is also to disperse illegal marchers from other parts of the City, and is to prevent damage by rioters and bombers to Business, Shopping and Protestant areas of Londonderry.

EXECUTION

...

7. Concept of Operations.

a. Responsibilities.

(1) Creggan March. The containment of the Creggan march will be a Military Operation with the RUC in support. This support will consist mainly of representative officers (at Inspector level) at each blocking position. The Military will be in Command at all levels throughout this Operation.

(2) Other Marches. The dispersal of illegal marches from other parts of the City will be an RUC responsibility, with the Military in support. RUC manpower will be concentrated to meet these threats, at the expense of deployment to the Creggan march...

(3) The Meeting Point, Shipquay Place. The actual Meeting, which is expected to be a moderate affair, will be allowed to take place. The control of the meeting itself will be an RUC responsibility, with the Military only acting at the direct request of the RUC should violence erupt which is beyond the capacity of the Police to control. It is possible that an organised protest sit-down will take place during the meeting, and it will be an RUC responsibility to deal with such a protest.

b. Dispersal of the Marches.

(1) Initially, we intend to deal with any illegal marches in as low a key as possible and for as long as possible. Generally speaking the front men will be moderate and non-violent – the second rank will be those to start any violence that may erupt. The Security Forces are to take no action against the Marches until either:

(a) An attempt is made to breach the blocking points.

(b) Violence against the Security Forces, in the form of stone, bottle and nail bombing, takes place.

(2) Illegal marches are to be halted and dispersed on ground of our own choosing. If possible ringleaders are to be arrested on the spot. Where it is impractical to make such arrests, photographs of ringleaders and participants are to be taken, for identification and arrest at a later stage.

(3) Marches are to be halted at blocking points and are not to be allowed to proceed; there is to be no half measure of allowing participants to trickle through the blocking points and form up again on the other side, as in this way control of the event by the Security Forces will be quickly lost.

(4) If the Creggan march takes place entirely within the containment area of the Bogside and Creggan it will be permitted to continue unchallenged.

...

e. Hooliganism. Although NICRA claim that this march is a non-violent protest, the organisers will have no control over the hooligans who will ensure that violence is inevitable. The deployment of troops is to take account of this situation. An arrest force is to be held centrally behind the check points, and launched in a scoop-up operation to arrest as many hooligans and rioters as possible.

...

h. Containment Line. A containment Line is to be held in force around the Bogside and Creggan areas of Londonderry. Blocking positions are to be established as far forward on or beyond the containment line as possible – the object is to take the expected violence at the line into the containment area. The line is not to be breached.

j. Domination of the Area. The Containment Line and the area within it are to be dominated by physical military presence, by OP observation and by sniper posts. The maximum number of soldiers are to be ‘in the shop window’. They are to be covered by deployment of OPs and by a massive deployment of snipers, in the anti-sniper role, who should be deployed at every possible vantage point within our secure areas.

...

9. Tasks.

...

f. 1 PARA.

(1) Maintain a Brigade Arrest Force, to conduct a ‘scoop-up’ operation of as many hooligans and rioters as possible.

(a) This operation will only be launched, either in whole or in part, on the orders of the Bde Comd.

(b) The Force will be deployed initially to Foyle College Car Park GR 434176, where it will be held at immediate notice throughout the event.

(c) The Scoop-Up operation is likely to be launched on two axis, one directed towards hooligan activity in the area of William St/Little Diamond, and one towards the area of William St/Little James St.

(d) It is expected that the arrest operation will be conducted on foot.

...

p. Coordinating Instructions.

...

(4) Use of Force.

(a) CS Gas. Is NOT to be used throughout this event, except as a last resort only if troops are about to be over-run and the rioters can no longer be held off with baton rounds and water cannon.

(b) Baton Round. These are to be fired in salvos to disperse illegal marchers and rioters. There should be no less than eight riot guns deployed at each barrier in order that effective salvo fire can be sustained...

...

(6) PR.

(a) All press statements concerning this event will be made through Bde HQ, to whom all press enquiries should be made.

(b) Unit PROs [Public Relations Officers] should make every effort to collect and conduct press and TV men around deployment areas, in order that the newsmen will subsequently give a balanced report to their readers and viewers on the proceedings."

¹ [G95.564-580](#)

³ [B1279.033](#)

² [B1279.017](#)

9.415 The task of 1 PARA was, as we have set out above, to form the arrest force and to conduct a "scoop-up" operation of as many hooligans and rioters as possible. Colonel Steele said that "*no doubt*" the stipulation relating to the arrest operation being launched only on the orders of the Brigade Commander was drafted by Brigadier MacLellan himself.¹ Paragraph 9(f) of the Order (quoted above) contains the only references within the Operation Order to the arrest operation.

¹ [Day 266/66](#)

9.416 The Operation Order provided for barriers to be erected along a containment line, preventing the marchers from leaving the Creggan and Bogside and from reaching the Guildhall Square. Annex D to the Operation Order listed the barriers, giving each one a number.¹ We consider in more detail the erection of the barriers when we discuss the events of the day itself.

¹ [B1279.101](#)

The expectation of 8th Infantry Brigade of paramilitary violence and hooligan activity

9.417 There is no reference in the Operation Order to the receipt of any specific intelligence about the plans of either the Provisional or the Official IRA.

9.418 Paragraph 2(b) of the Order, under the heading “*The Threat*”, identified as one of the threats:

“IRA terrorist activity, to take advantage of the event, to conduct shooting attacks against the Security Forces ...”

9.419 Paragraph 2(c) identified another threat, that being of:

“Hooligan reaction to the general excitement of the event, in the form of stone, bottle and nail bombing of troops, arson of private premises and vehicles, and a high degree of violence throughout the City. Although this violence is expected to continue throughout the event, it will intensify during the closing stage of the event, especially in the William St/Rossville St area; it is possible that hooligan violence may continue thereafter for several days.”

9.420 We accept that Brigadier MacLellan and Colonel Steele did genuinely believe that there were threats, both of republican paramilitary activity and of hooliganism, of the type described in the Operation Order. It was submitted on behalf of some of the families¹ that the assessment of the RUC, upon whom the Army then relied for much of its intelligence, was that there would be no IRA attack on the soldiers and that the Army’s own assessment was that while there was always a risk, it was unlikely to happen. We consider, as we have already stated, that the risk of republican paramilitaries using rioters as cover from which to fire on the security forces was a real one.

¹ [FS1.774-805](#)

9.421 It is our view that when drafting the “*Threat*” section in the Operation Order Colonel Steele was relying on his experience and not on specific intelligence. He drafted it in wide terms, warning of a range of possible types of trouble. In his oral evidence to this Inquiry he said that, “*Shooting was the very last thing that was in anybody’s mind*” when the officers met the following day at the co-ordinating conference to discuss the Order.¹ In its context this observation was made in reply to a suggestion, which Colonel Steele rejected, that the risk of firing was discussed and accepted at the co-ordinating conference. It seems to us that this indicates that in the “*Threat*” section of the Operation Order, he was referring not to shooting during the march, but to shooting by paramilitaries during the course of any subsequent riots, such disturbances clearly being, in the view of the Army, an inevitable and integral part of the event.

¹ [Day 266/88](#)

- 9.422 Our view is strengthened by the evidence that General Ford gave to the Widgery Inquiry on this topic:¹

“Q. Was it your anticipation that if a scoop-up operation was launched into the Bogside, at least some of [the 70 gunmen believed by the Army to reside in the Creggan and Bogside] would open fire?

A. I thought it was unlikely that many would because I imagined that the IRA gunmen would be sited to engage our soldiers in the open at the various barricades and that they would open fire at the opportunities which would occur when the hooligans were engaging the troops in the open. This was the tactics of the previous two weeks.

...

Q: Would this be a fair way of putting your own expectations, that when the scoop-up operation were performing, wherever it was they performed it, they would not come under anything other than perhaps sporadic sniping?

A: That is true, sporadic sniping, yes.”

¹ [WT10.49](#)

- 9.423 It appears from this evidence, which we accept, that General Ford was not expecting a serious challenge from paramilitaries during the course of the march, but that he did anticipate that republican paramilitaries would take advantage of hooliganism to open fire. In our view his expectations were reasonable.

- 9.424 It was submitted by soldiers’ representatives¹ that while there may not have been hard intelligence to support the warning of IRA activity in paragraph 2(b) of the Operation Order, paragraph 2(c) reflects information passed on by Chief Superintendent Lagan. This may be so, but we are not sure. Chief Superintendent Lagan, at his meeting with Brigadier MacLellan, did warn of increased violence and said that this might continue for days. However, there is no evidence to suggest that he warned specifically of nail bombing or arson or even that he warned of “*hooligan reaction to the general excitement of the event*”. He warned the Brigadier that increased violence would follow the blocking of the march.

¹ [FS7.752-54](#)

Did the terms of the Operation Order make an arrest operation inevitable?

- 9.425** The Operation Order provided that no action was to be taken against the marchers unless (among other things) violence against the security forces, in the form of the throwing of missiles, took place. Such violence was almost inevitable. All those involved in planning the security forces' response to the march, including Chief Superintendent Lagan, envisaged that stopping the march would lead to rioting. It follows that an arrest operation was, at the very least, likely to be ordered.
- 9.426** The assignment of 1 PARA for the task and General Ford's presence on the day further increased the likelihood of an arrest operation. As outsiders, 1 PARA would not have to live with the consequences of a major operation. General Ford's presence underlined his commitment to the arrest operation. We formed the view that General Ford, having had the idea of using the occasion of the march as an opportunity to arrest rioters, was keen that the arrest operation be implemented. We gained the overall impression that Brigadier MacLellan was not as enthusiastic as General Ford but, given his orders and the political situation, had no choice but to plan, and in appropriate circumstances launch, some form of arrest operation.

Location and nature of the proposed arrest operation

- 9.427** Paragraph 9(f)(1)(c) of the Operation Order envisaged that:

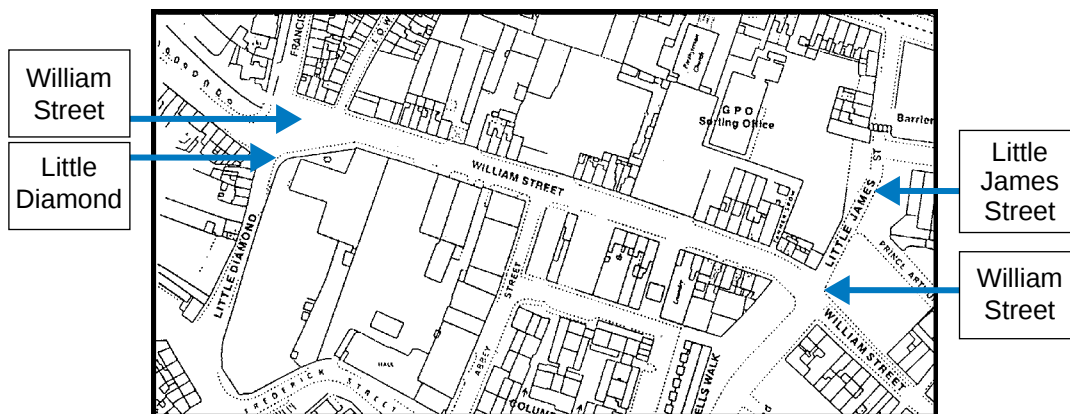
"The Scoop Up operation is likely to be launched on two axis, one directed towards hooligan activity in the area of William St/Little Diamond, and one towards the area of William St/Little James St."

The next provision was that "*It is expected that the arrest operation will be conducted on foot*".

- 9.428** The Operation Order did not stipulate that an arrest operation would take place in one or both of these two areas but simply reflected an expectation that the operation would be directed towards hooligan activity in those areas. No area of operation was laid down nor did the Operation Order set out any boundary or limit of exploitation.

9.429

Second area



9.430

“Planning how the arrest operation would take place was the responsibility of Lieutenant Colonel Wilford, the Commanding Officer of 1 PARA. He was able to make whatever plan he deemed appropriate from the guidance set out in the Operation Order.”

1 Day 266/67

2 B1315.005

9.431

the hooligans in the second area to be in Little James Street and William Street, he said that troops would have had to get behind any hooligans in order to arrest them and so would have had to go south of William Street and into the north end of Rossville Street.²

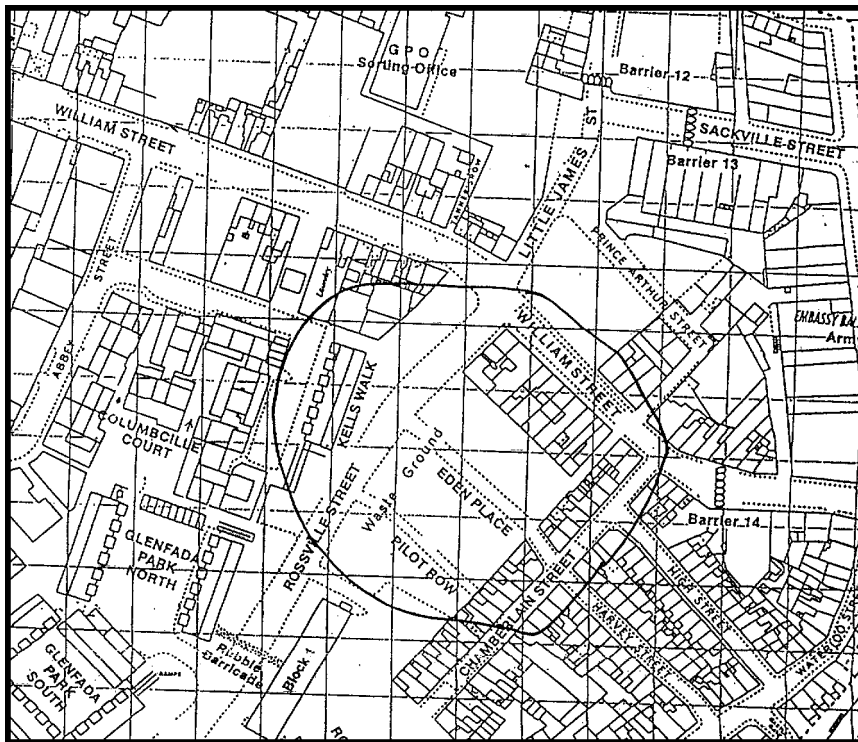
¹ Day 266/67

² Day 266/69-71

9.432 Colonel Steele's oral evidence to this Inquiry was that "*it was always in [his] mind*" that the scoop-up operation would take place in the area of the Eden Place waste ground.¹ When interviewed by the Inquiry's solicitors, he illustrated, by drawing a circle on a map, the area in which he had expected the scoop-up to take place of hooligans from the area of William Street and Little James Street.²

¹ Day 267/130

² B1315.133



9.433 In his oral evidence to this Inquiry, he accepted that the reader of the Operation Order would not obtain the impression that there was to be an arrest operation in that area; however, he said that the axes were set out in order to identify the likely location of the hooligans, and he repeated that any scoop-up operation would involve the troops going behind the hooligans.¹

¹ Day 267/131

- 9.434** When asked why there was no reference in the Operation Order to the Eden Place waste ground as the place in which arrests were expected to be made, Colonel Steele said:¹

“... the details of the arrest operation was very much the province of the commanding officer [Colonel Wilford] and so much depended on where the hooligans were going to be, and I recall that in the order I used the expression, ‘likely axes of approach’, of advance. It could well have been that the hooliganism could have been somewhere else, completely different.

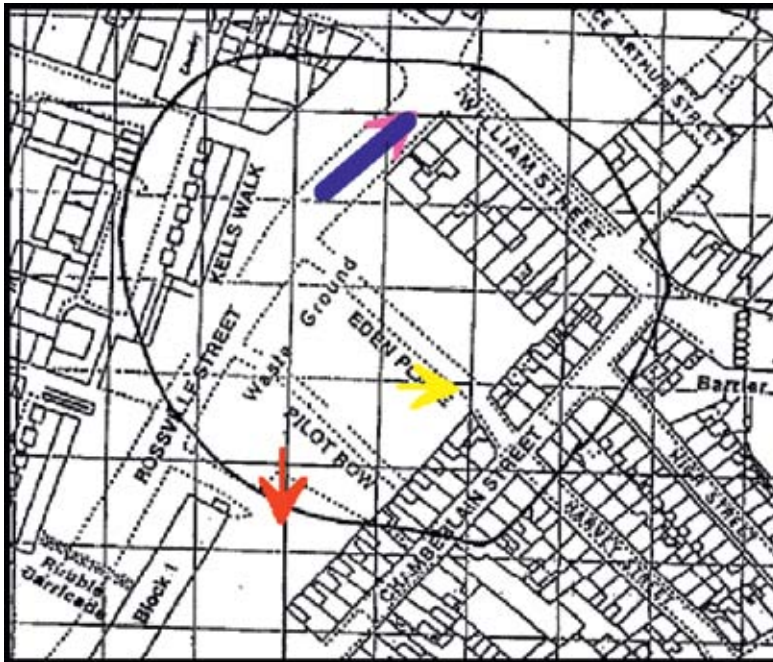
That was why I think we gave the commanding officer of 1 Para quite a difficult task, asking him to make a detailed plan for an arrest operation when he did not actually know exactly where it was to be mounted, because we did not know where the hooliganism was to be.

... we did not go into that detail in the operational order. Whether this was a mistake or not, whether it was right or not to leave those sort of details to the commanding officer, I am not prepared to comment upon.”

¹ [Day 267/135-136](#)

- 9.435** In the course of his oral evidence to this Inquiry, Colonel Steele was shown the location on the Eden Place waste ground in which the first two Parachute Regiment Armoured Personnel Carriers (APCs, often referred to as “Pigs”) stopped after they had entered the Bogside on Bloody Sunday. The location of the vehicles was marked in red and yellow on the map that Colonel Steele had already marked.¹

¹ [B1315.155](#)



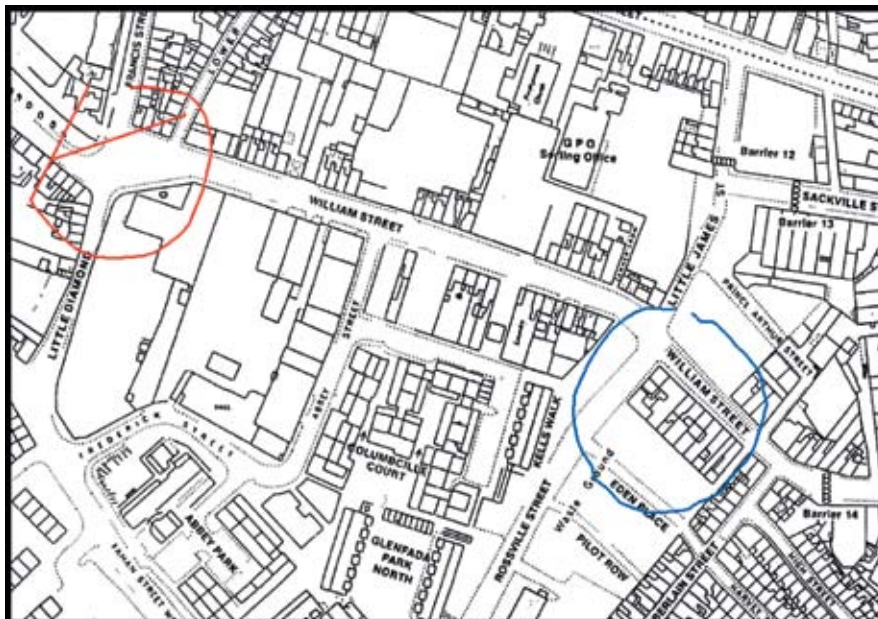
9.436 His evidence was that the APC marked in yellow was in exactly the sort of place in which he would have expected it to be, but that the APC marked in red had gone too far south.¹ He also thought that the circle that he had drawn was itself too far south and should be moved at least two squares northwards, leaving the yellow APC at the southern limit of the arrest area as he had envisaged it.

¹ [Day 267/137](#)

² [Day 267/138](#); [Day 267/146](#)

9.437 Later in his evidence, Colonel Steele drew on a new map a blue circle to indicate the area in which he had expected, when he drew up the Operation Order, the arrest to take place of hooligans who had been in the area of William Street and Little James Street. He drew a red circle to indicate the area in which he had expected the arrests of hooligans in the William Street and Little Diamond area:¹

¹ [B1315.156](#); [Day 268/105-108](#)



- 9.438** Colonel Steele's evidence was that he, the Brigade Commander and the other staff officers of 8th Infantry Brigade had discussed the draft Operation Order "*in the greatest detail, line by line*" at their meeting on the morning of 27th January 1972, that paragraph 9(f)(1)(c) had been considered by Brigadier MacLellan and that he had told the Brigadier of the concept that he had formed while drafting the order of the arrest operation.¹

¹ [Day 268/157-159](#)

Distribution of the Operation Order

- 9.439** Thirty-five copies of the Order for Operation Forecast were made and a copy was sent that day to all those on the distribution list. The list¹ included HQNI and provided for the creation of three spare copies. The MoD was not an identified recipient. However, we are satisfied that a copy of the Operation Order was sent to the MoD in London. Brigadier MacLellan is recorded as having said to Desmond Hamill² that:

"The plans went back to London. So the whole thing was approved before it ever started."

¹ [G95.576](#)

² [B1279.003.012](#)

9.440 Brigadier MacLellan also told us that he would have expected the orders to go to the MoD¹ and to the staff officers working for General Carver, the CGS.² General Ford thought it very likely that a copy would have gone to the MoD.³ Colonel Ramsbotham, General Carver's Military Assistant, said that both he and General Carver knew that there was going to be an arrest operation involving 1 PARA.⁴

¹ [Day 261/10](#)

³ [Day 255/16](#)

² [Day 264/15](#)

⁴ [Day 254/190](#)

9.441 Lord Balniel, Lord Carrington and Edward Heath said that they did not see, nor would they have expected to see, the Operation Order. They said that the GEN 47 Committee was simply given the outline of the plan that appears in the minutes of the meeting of that committee on 27th January 1972 (to which we refer below). We accept that evidence. Edward Heath thought he probably knew that 1 PARA was going to reinforce 8th Infantry Brigade that weekend but was also fairly sure that he had not heard what particular role was going to be assigned to it.¹ There is no evidence that Brian Faulkner saw the order. His letter of 28th January 1972 to General Tuzo included the following:²

"This weekend will undoubtedly be a further test of our resolve and the march in Londonderry will certainly be a most difficult one to handle. I know that detailed plans have been made and I hope everything goes well."

¹ [Day 273/2](#)

² [G84A.528.1](#)

9.442 The reference in the letter to the plans does not assist us in determining whether he had seen the plans or had only been told that detailed plans had been made.

The Photographic Coverage Order

9.443 An order for photographic coverage of the march was also issued on 27th January 1972.¹ The order provided for there to be ten "*still*" photographers, seven of whom were to be the normal unit photographers from the Londonderry battalions. The reinforcing battalions – 1 KOB, 3 RRF and 1 PARA – were each to supply one photographer. In addition, HQNI was to provide a cine camera team.

¹ [G82A.521.0007-9](#)

9.444 The task of the photographers was stated to be:¹

“To provide max photo coverage of the NICRA march and all associated incidents on 30 Jan 72.”

¹ [G82A.521.007](#)

9.445 The order provided for the cine camera team to be deployed in a helicopter and all other photographers to be positioned in various locations along the containment line. All photographers were to be in position by 1300 hours on 30th January.

9.446 The order also provided for the films to be processed at 8th Infantry Brigade and at HQNI and for the films to be sent by helicopter to HQNI. The first developed films were to reach HQNI at 1800 hours on 30th January. Captain INQ 1803, the intelligence and security officer based at 8th Infantry Brigade, was responsible for the co-ordination of the plan set out in the order.

9.447 There is evidence that on the day the Army took a large number of still photographs, many of which are missing. We were unable to discover what happened to these photographs.

9.448 The order stated that the films were subsequently to be made available to units for intelligence and PR purposes. It appears from this that the photographs were intended to be of marchers, presumably for later identification, and were also intended to provide evidence of the Army's handling of the march.

9.449 It was alleged that the non-production of these photographs was part of a “*cover up*” by the MoD in an effort to exclude evidence detrimental to the Army.¹ However, this assumes that Army photographs did contain such evidence and there is nothing to support such an assumption. However, the fact that these photographs were not used at the Widgery Inquiry does suggest that none contained anything that assisted the Army's case. Accordingly, although what happened to the photographs remains a mystery, it seems to us that the most likely explanation is that they were at some stage discarded because they showed nothing of any relevance to the circumstances in which people were shot. This was probably because, in accordance with the order, the photographers were generally deployed along the containment line and did not enter the areas of the Bogside in which the shooting took place.

¹ [FS1.97-98](#)

The RUC Operation Order

9.450 The 8th Infantry Brigade Operation Order provided that the RUC would be responsible for dealing with any marches other than the Creggan march and would also deal with the planned meeting in Shipquay Place.

9.451 On 27th January 1972 the Assistant Chief Constable (Operations), David Corbett, issued RUC Operation Order 4/72, which set out the numbers of officers who were to be on duty in Londonderry in order to deal with the march on 30th January. A total of 575 officers, brought from 12 police divisions from across Northern Ireland, were to be present.¹

¹ [G80A.506.1-5](#)

9.452 Under the heading “*Detention Centre*” the order provided that:

“Chief Superintendent ‘N’ Division [Chief Superintendent Lagan] will arrange to have special staff set up to deal with arrested persons and to assist in the preparation of prosecution briefs of evidence if major trouble breaks out but unnecessary arrests are to be avoided.”

9.453 We have found nothing to suggest that the RUC was anticipating having to deal with a large number of prisoners.

9.454 The order also required police photographers to provide still and cine photographic coverage of the march. No police cine film was provided to this Inquiry (or to the Widgery Inquiry). It is not known whether any such film was taken. The police were generally behind the soldiers at the barriers and so any cine film, if taken, was very unlikely to have shown anything of significance. There is nothing to suggest that any adverse inferences should be drawn against the RUC from the absence of any police cine films.

9.455 The order did not set out the tasks that the RUC officers would be required to perform in support of the Army. Some indication of their role is provided in a manuscript note headed “*RUC MANNING 30 JAN 72*” which set out the tasks of RUC officers working with members of 1 R ANGLIAN.¹ These police officers were required to back up the soldiers at Army barriers along the containment line and on the Craigavon Bridge. Officers of the rank of Inspector were to be available to give public warnings to marchers that the march was illegal and to tell them to disperse. Officers were also required to be ready to deal with clashes between rival Catholic and Protestant factions.

¹ [G94A.563.1](#)

- 9.456 Some officers were stationed behind Army barriers to assist in the identification of marchers.¹ Others were detailed to take into custody prisoners arrested by the Army.²

¹ JF1.1

² JC20.1

The threat of loyalist action

- 9.457 The HQNI IntSum dated 27th January 1972 (4/72) recorded, under “*Outlook*”:¹

“The coming week will see the ban on marches challenged on two further occasions in the interest of the anti-internment campaign: in Dungannon on 29 Jan 72, and in Londonderry the following day. The march in Londonderry will present particular problems, and a greater than usual opportunity for demonstrating the difficulties of preventing violations of the ban in Republican areas.”

¹ G80.491

- 9.458 On the same page, the IntSum noted:

“Loyalists in Londonderry have threatened in a public statement to interfere with the NICRA march in the City on 30 Jan 72. The statement went on to say that a Loyalist parade would be held later if the NICRA march was allowed to proceed.”

- 9.459 Annex A to the IntSum, which is headed “*Forecast of Events*”, also contains a reference to the 30th January march:

“Londonderry. NICRA sponsored anti-internment march from the Creggan and Shantallow to Guildhall Square at 1430 hours, followed by a meeting. No opposition anticipated.”

- 9.460 On 25th January 1972 the City of Londonderry and Foyle Democratic Unionist Association (DUA) had announced that its members had resolved to stop the march themselves if the Government did not do so.¹ This threat remained on 27th January but it appears, both from the reference to “*No opposition*” in the HQNI IntSum and the dismissive reference to the DUA threat in the 8th Infantry Brigade IntSum of 25th January² that the security forces were not seriously concerned about any loyalist activity.

¹ L15

² G80.494; G72.445

9.461 During the week, unionists announced their intention to hold a religious meeting in the Guildhall Square on the afternoon of 30th January 1972 and informed the Chief Constable that that was what they intended to do.¹ It was not until 29th January that the Reverend James McClelland of the City of Londonderry and Foyle DUA announced that this rally had been cancelled.² We consider this matter in more detail below.

¹ [G108.664](#)

² [L21](#)

The meeting of the GEN 47 Committee on 27th January 1972

9.462 On 27th January 1972 the GEN 47 Committee met at 10 Downing Street at its usual time of 10.30am, an hour before the regular United Kingdom Cabinet meeting.¹ During the hour-long meeting the committee dealt not only with the security situation, but also the proposed inter-party talks and the political situation.

¹ [G78.485.1](#)

9.463 The brief prepared for the Prime Minister by the Cabinet Secretary Sir Burke Trend (with the assistance of Arthur Hockaday) dealt primarily with the question of inter-party talks and the political situation.¹ Under the title “*The Security Situation*” Sir Burke merely noted that the Prime Minister would wish to invite reports from the CGS and others as appropriate.²

¹ [G75CA.462.5.1-4](#)

² [G75CA.462.5.3](#)

9.464 The brief reviewed the three different proposals for advancing a political initiative that were currently under consideration: the inter-party talks at Westminster that were intended to expand later to include the Northern Ireland parties; Jack Lynch’s proposals, as outlined to Edward Heath in Brussels, and to Sir Burke Trend and Sir Stewart Crawford on the previous day; and the Home Secretary’s memorandum, which had been discussed at the previous GEN 47 meeting. The authors of the brief were not optimistic about the prospects of the Westminster inter-party talks, and suggested that the Government might wish to keep these separate from any initiative that it might choose to launch.¹ The form that this might take was examined in relation to the proposals of both Jack Lynch and Reginald Maudling. The brief drew attention to the similarity between the “essence” of the Home Secretary’s favoured proposal, “*the concept of statutorily guaranteed minority participation in Government at Stormont*”, and the Taoiseach’s desire for “*Community Government*”.² In light of this, the authors wrote: “*If the Government judge that the moment for some conciliatory move has come and that the points of resemblance between Mr. Lynch’s initiative and the Home Secretary’s plan are sufficient to enable them to launch the latter under cover of, or in response to, the former,*

some careful co-ordination will be required, not excluding Mr. Faulkner."³ They emphasised the need for urgency, especially if the Government were to influence the public presentation of Jack Lynch's plan.⁴

¹ [G75CA.462.5.1](#)

³ [G75CA.462.5.2](#)

² [G75CA.462.5.2](#)

⁴ [G75CA.462.5.2-3](#)

9.465 This brief also considered other aspects of the proposals suggested by Reginald Maudling and Jack Lynch. The authors noted that although the Home Secretary had concentrated during the previous meeting of GEN 47 on a period of government by commission, this was a means towards a solution, and not a solution in itself.¹ The other two suggestions put forward (but not favoured) in Reginald Maudling's paper – continuing with present policy and seeking other leaders in the minority community with whom to negotiate – were described as unsatisfactory and unrealistic respectively, although neither was definitively ruled out.² The brief mentioned the possible defection to the Alliance Party of a number of Ulster Unionists; while this was considered to be potentially significant (especially if it presaged further defections from other parties), the authors commented that it would be *"improvident simply to wait and see what happens"*.³ In relation to Jack Lynch's proposals, it was noted that he was only just beginning to realise the desirability of co-ordinating his approach with London and with Brian Faulkner.⁴ The Prime Minister was also invited in the brief to ask Reginald Maudling whether he could contemplate the *"change of direction"* on internment that Jack Lynch felt might be necessary to win the support of the SDLP and nationalists.⁵ Finally, the authors turned to the prospect of direct rule, which was described as *"closely connected"* with the Home Secretary's proposals, in the sense that it might be necessary for London to impose this if agreement could not be reached within Northern Ireland.⁶ In this case, the brief asked, would Reginald Maudling's scheme be the preferred outcome, or *"would we go for something even more radical"*?; What the *"something"* might have been was not explained.⁷

¹ [G75CA.462.5.2](#)

⁵ [G75CA.462.5.2](#)

² [G75CA.462.5.3](#)

⁶ [G75CA.462.5.3](#)

³ [G75CA.462.5.3](#)

⁷ [G75CA.462.5.3](#)

⁴ [G75CA.462.5.3](#)

9.466 In his oral evidence to this Inquiry, Edward Heath stated that he was not convinced that the timescale relating to the proposals for a political initiative was practical. He pointed out the difference in approach to this question between politicians and officials, and stated specifically that he did not think that it would be possible to get the relevant parties to acquiesce in any such initiative within the first few weeks of February 1972.¹

¹ [Day 291/26-30](#)

9.467 Under the Heading “*Marches and Demonstrations*” the brief’s authors suggested that:¹

“12. You may wish to question the Secretary of State for Defence about recent suggestions in the Press and on television that the Army over-reacted against some of the Civil Rights demonstrations last weekend and that, in particular, soldiers of the Parachute Regiment, by being unnecessarily rough, have gratuitously provoked resentment among peaceful elements of the Roman Catholic population.

13. Overshadowing this question, however, is the graver issue of the attitude to be adopted by the security forces if the renewed ban on marches is openly defied. Are we able – and prepared – to deal with that situation? Perhaps the question should be explored urgently with Mr. Faulkner during his visit to London.”

¹ G75CA.462.5.4

9.468 It appears from the minutes of the GEN 47 meeting, which are set out below, and from the evidence of the relevant witnesses to this Inquiry that the Prime Minister did not raise the issue of the handling of the Magilligan march with Lord Carrington.¹ Edward Heath said in his oral evidence to this Inquiry that he did not think that it had been necessary to do so,² adding that he considered Lord Carrington to be “*an admirable Minister of Defence*”.³ He vigorously rejected the suggestion that he failed to ask about this issue because it did not matter to him whether Catholics had been maltreated in the course of an illegal march.⁴

¹ Day 294/56; KH4.89; Day 282/127-128

³ Day 291/31

² Day 282/132

⁴ Day 291/31

9.469 It was suggested to this Inquiry by some of the families that Sir Burke Trend and Arthur Hockaday were “*in relation to Bloody Sunday the chief advisers to the Prime Minister*”.¹ As is apparent (for example from this brief itself) this was not the case. We accept the submissions of the legal representatives of some of the politicians² that the role of the Secretary to the Cabinet and his Cabinet Office colleagues in relation to the Prime Minister and in relation to matters which were to be discussed in Cabinet (or in Cabinet committees of which the Prime Minister was Chairman) was not to advise him, still less to be his chief adviser, on the decisions that should be taken in relation to such matters as how to deal with the proposed march. The range of policy issues discussed at this level was very wide indeed and the suggestion that these civil servants would or could advise the Prime Minister on an individual security operation is unsustainable. Their role was to provide a steering brief to assist the Prime Minister to guide the discussion, and to facilitate the task of establishing, if possible, a consensus at the conclusion of the

discussion. The chief adviser and provider of information on security matters to the Prime Minister was the CGS. In this connection, it can be seen from the GEN 47 minutes of the period that the CGS was not in the habit of discussing particular security operations in any detail in this committee.

¹ FS4.102

² FR25.4

9.470

Kelvin White, head of the Republic of Ireland Department of the Foreign and Commonwealth Office, prepared the brief for the Foreign Secretary before the GEN 47 meeting on 27th January 1972. This brief dealt primarily with the Home Secretary's proposals for a political initiative.¹ Kelvin White attached a copy of the brief for the previous meeting on 20th January, in which Reginald Maudling's memorandum of 18th January² had been described as "*arguably the most important paper on Ireland to emerge since the crisis began*".³ Although some potential alterations were suggested, Kelvin White wrote that the initiative offered a chance to break the existing deadlock, and that the memorandum could be endorsed.⁴ In a handwritten comment at the end of the brief, the Permanent Secretary, Sir Stewart Crawford, added his opinion that the proposal was "*a big step forward*" and that he hoped that the Foreign Secretary would give it strong support.⁵ He also noted that such a plan was unlikely to be accepted through the agreement of relevant parties, and hence an interlude of direct rule would probably be necessary.⁶

¹ KW3.74-79

⁴ KW3.79

² G59c.363.8

⁵ KW3.79

³ KW3.78

⁶ KW3.79

9.471

Kelvin White wrote in the brief for the following week's meeting that these arguments still stood.¹ Since the first discussion of Reginald Maudling's memorandum by the GEN 47 Committee the most significant development had been the discussions (described above) that had taken place between Edward Heath and Jack Lynch, and the follow-up meeting between the latter and Sir Burke Trend and Sir Stewart Crawford. Kelvin White commented that although the Taoiseach's thinking on the issue was "*still very ill-defined*",² he was moving along similar lines to those then under consideration by United Kingdom ministers. If the Cabinet were to take a decision to launch an initiative thought would have to be given as to how to ensure that it was not pre-empted, potentially disastrously, by Jack Lynch.³ To this end, ministers would need to decide at an early stage how much he could be told of the United Kingdom Government's plans.⁴

¹ KW3.76

³ KW3.77

² KW3.76

⁴ KW3.77

9.472 The minutes of this GEN 47 Committee meeting (the last before Bloody Sunday) are set out in full, since in our view they show the great attention that was being paid by the United Kingdom Government to the seeking of a political solution to the problems of Northern Ireland:¹ The minutes shown below are a copy of the minutes in their original typed form.

¹ G78.485.001; G79.487.003

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GEN 47(72) 3rd Meeting COPY NO 23

CABINET
NORTHERN IRELAND

MINUTES of a Meeting held at
10 Downing Street on
THURSDAY 27 JANUARY 1972 at 10.30 am

PRESENT

The Rt Hon Edward Heath MP
Prime Minister

The Rt Hon Reginald Maudling MP
Secretary of State for the
Home Department

The Rt Hon William Whitelaw MP
Lord President of the Council

The Rt Hon Francis Pym MP
Parliamentary Secretary
Treasury

The Rt Hon Sir Alec Douglas-Home MP
Secretary of State for Foreign
and Commonwealth Affairs

The Rt Hon Lord Carrington
Secretary of State for Defence

Lord Balniel MP
Minister of State for Defence

THE FOLLOWING WERE ALSO PRESENT

General Sir Michael Carver
Chief of the General Staff

Mr P J Woodfield
Home Office

Sir Philip Allen
Home Office

Mr W K K White
Foreign and Commonwealth Office

Mr D R J Stephen
Ministry of Defence

SECRETARIAT

Sir Burke Trend
Mr N F Cairncross
Mr A P Hockaday

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THE SECURITY SITUATION

THE CHIEF OF THE GENERAL STAFF reported that within the last week the number of incidents in Belfast had shown a further decline, but that the focus of terrorist activity had shifted to the country areas. At a recent meeting of the command staff of the "Provisional" wing of the Irish Republican Army (IRA) it was understood to have been agreed that members of the Royal Ulster Constabulary (RUC) and the Ulster Defence Regiment (UDR) should be the main targets of assassination attempts, and that active service units based upon the territory of the Irish Republic should play the major part in these operations. Changes in the command structure of the "Official" wing of the IRA might place its leadership in the hands of more violent elements. The "Official" wing had pledged support for the Northern Ireland Civil Rights Association (NICRA); this was reflected in the current pattern of Civil Rights marches. On 29 January a NICRA march was planned from Dungannon to Coalisland. Seven companies of troops would be deployed to prevent this march from taking place and also as a precautionary measure against possible Protestant counter demonstrations. On 30 January NICRA planned a rally and march from the Creggan area of Londonderry to the Guildhall. It was estimated that as many as 8,000 to 12,000 persons, including elements from outside Londonderry, might take part. 20 companies of troops would be deployed; the intention would be to prevent the marchers, not from forming up within the Creggan and Bogside areas, but from coming out of those areas or being reinforced from outside Londonderry. The use of CS riot control agent would be restricted as far as possible; greater reliance would be placed on water cannon. Two battalions of the UDR would be called out to man road blocks around Londonderry. The television media would no doubt film the marchers within the Creggan and Bogside areas. This would in turn tend to exacerbate Protestant feeling; it would be necessary to declare a clear public relations line that it is for the security forces to decide where it is best that marches should be stopped, and that in Londonderry the place to stop them is on the borders of predominantly Roman Catholic areas.

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THE PRIME MINISTER, summing up a brief discussion, said that the meeting appreciated the difficulties which the Army faced when dealing with comparatively peaceful marches. This was essentially a job for the police, but the RUC did not possess the necessary numbers, and incidents of confrontation between the Army and the civil population were inevitable. The "Official" wing of the IRA were no doubt seeking through NICRA to exploit the difficulties confronting the Prime Minister of Northern Ireland, Mr Faulkner, following the Northern Ireland Government's decision to extend the ban on marches. The United Kingdom Government must support the Northern Ireland Government's decision with the necessary deployment of security forces. The Meeting agreed that in Londonderry the marchers must be prevented from coming out of the Bogside and Creggan areas; and criticism of the security forces for not entering those areas must be countered by pointing out that it was a matter of military judgement to choose the best place for achieving the aim of preventing the march from reaching its destination. Maximum publicity should also be secured for arrests and court proceedings following the marches.

The Meeting -

Took note, with approval, of the Prime Minister's summing up of their discussion.

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2. INTER-PARTY TALKS

Previous Reference: GEN 47(72) 2nd Meeting, Minute 2

The Meeting had before them a note by the Chairman of the Official Committee (GEN 47(72) 2).

THE PRIME MINISTER, summing up a brief discussion, said that the proposed inter-party talks might be a useful means of securing the support from the Opposition that would be highly desirable if the Government were to decide to impose a solution of its own choosing. The talks would be open for the discussion of any possible approach, though it would be most natural that they should concentrate upon possibilities that had already been put forward in public discussion, such as the future of the border, the possible transfer of responsibility for law and order from Stormont to Westminster, and the association of the Roman Catholic minority in some form of "community government" in Northern Ireland. He proposed shortly to write to the Leader of the Opposition, suggesting that the talks should be restricted to 3 Privy Counsellors on each side (on the Government side the Home Secretary, the Foreign and Commonwealth Secretary, and the Defence Secretary) and should be conducted without formal agenda. For the time being, at any rate, he did not propose to invite the Leader of the Liberal Party to join in the discussions; although the standing of the Liberal Party derived from the number of votes cast in general elections rather than from the number of Liberal Members of Parliament, the inclusion of the Leader of the Liberal Party would make it more difficult to reject pressures that the Ulster Unionist group should participate.

The Meeting -

Took note, with approval, of the Prime Minister's summing up of their discussion.

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3. THE POLITICAL SITUATION

Previous Reference: GEN 4.7(72) 2nd Meeting, Minute 4

The Meeting resumed its discussion of a memorandum by the Home Secretary (GEN 4.7(72) 1).

THE HOME SECRETARY said that if it proved to be true that, as reported, certain well known moderate Unionists in Northern Ireland were proposing to join the Alliance Party, the position of Mr Faulkner's Government would inevitably be weakened. It was difficult to judge whether this might incline Mr Faulkner himself towards a more moderate or a more extreme attitude. It would be desirable to explore this point in the discussions which the Prime Minister and he would be having with Mr Faulkner later that day. It was also for consideration whether they should attempt to begin persuading Mr Faulkner in private that it was unrealistic to expect that, even after the terrorist campaign had been broken, the structure of politics in Northern Ireland could revert to its former shape, subject only to those changes which had already been implemented or which were envisaged in the Northern Ireland Government's Green Paper. It was primarily for Mr Faulkner to indicate how he would envisage bringing about the necessary objectives of ending internment, enabling the Army to make substantial force reductions in Northern Ireland, and bringing Roman Catholic representatives back into a significant role in government.

THE PRIME MINISTER, summing up a brief discussion, said that the nature of the initiative at which the Prime Minister of the Irish Republic, Mr Lynch, had hinted during their conversation in Brussels on 23 January was still obscure. Mr Lynch appeared convinced that a political initiative was necessary, and that it should be timed to take advantage of a moment at which the IRA campaign of violence had received a severe setback, while the Protestants were still sufficiently apprehensive of violence to be prepared to contemplate a change. He seemed also to feel a need to counter any increase in support for the IRA within the Republic, and he had spoken of providing leadership for all the people of Ireland. In this connection he perhaps had in mind announcing at an early date social or constitutional measures which might make the possibility of union with the Republic less unattractive to the

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majority in Northern Ireland. As to Mr Faulkner, although it was doubtful whether the prospective defections to the Alliance Party would make very much public impact, their effect was more likely to move him towards a more extreme position than towards the centre. If the defections took place and led to a fragmentation of parties in Northern Ireland, it might then be easier for the United Kingdom Government to impose a solution of its own devising. The next step would be for the Home Secretary and himself to explore Mr Faulkner's thinking further; the Meeting would then wish to resume their discussions in the light of the views that Mr Faulkner might express. It might also be useful for the Meeting to have the advice of HM Ambassador in Dublin and the United Kingdom Government Representative in Belfast.

The Meeting -

Took note, with approval, of the Prime Minister's summing up of their discussion, and agreed to an early resumption of their consideration of the Home Secretary's memorandum.

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9.473 In addition to these minutes (prepared from manuscript notes taken by Arthur Hockaday)¹ there have survived Sir Burke Trend's handwritten notes of the meeting.² They reflect what is in the minutes, with the addition of details regarding the discussion on dealing with the handling of the march.³

“CGS [Chief of the General Staff, Sir Michael Carver]:

... IRA will seek max. publicity; and this may provoke Prot. counter reaction.

S/SD [Secretary of State for Defence, Lord Carrington]

This is a police, rather than an Army, job. Some incidents between Army and marchers are inevitable.

P.M. [Prime Minister, Edward Heath]

Must support Faulkner’s decision to ban marches as much as we can. Approve CGS’s dispositions; and get publicity directed so far as possible to way in which NICRA being taken over by IRA & hooligans.”

¹ KH9.87

³ G79A.487.4

² G79A.487.4-6

9.474 It will have been noted that General Carver informed the meeting that there were to be two marches during the coming weekend, one on the Saturday from Dungannon to Coalisland (requiring seven companies of troops) and the Londonderry march, requiring 20 companies. The reference to obtaining maximum publicity for arrests and court proceedings related to both marches.

9.475 It was suggested to the Inquiry that the Londonderry arrest operation against hooligan rioters then being planned by the Army was raised and approved at this meeting, and that the meeting was made aware of the likelihood of a shooting war with paramilitary republicans and the consequent risk to life from gunfire.¹

¹ FS4.72-73; FS4.82

9.476 Neither the minutes nor Sir Burke Trend’s handwritten notes (nor indeed the briefs to ministers or Anthony Stephens’ current situation report) contained any mention of any plan to use the occasion of the Londonderry march to launch a large-scale or indeed any specific arrest operation against rioters using either 1 PARA or other troops. These documents did not include any information or intelligence on the possibility or likelihood of a gunfight between paramilitary republicans and the Army, or of a consequent or any risk of loss of life. On the contrary, in his summing up the Prime Minister described the problem as one of dealing with “*comparatively peaceful*” marches. Thus the contemporary documents recording the meeting provide no support for the suggestion that the reference to “*incidents of confrontation between the Army and the civilian population*” being “*inevitable*” was a reference to what would or might happen in the

course of the planned arrest operation. In this connection it is to be borne in mind that there had been incidents between the Army and marchers at the marches that had already taken place.

9.477 The minutes do record that the meeting approved the CGS's "*dispositions*". However, unless the assumption is first made that the arrest plan was discussed, ie unless the question at issue is begged, this must (in the context of the minutes as a whole) be a reference to the disposition of military forces for the two marches mentioned earlier in the minutes. Again, unless the assumption is made that the arrest plan was discussed, the reference to maximum publicity for arrests and following court proceedings is, on the face of it, concerned with the need to counter the impression that the security forces were not enforcing the ban; and reflects the anxiety expressed by Edward Heath earlier in the month that for that reason steps should be taken to prosecute without delay those breaking the law.

9.478 The Inquiry has received the oral and written evidence of Edward Heath¹ and Lord Carrington,² the written evidence of Lord Balniel (the Minister of State for Defence),³ the written and oral evidence of Arthur Hockaday,⁴ the written statement of General Carver⁵ and the written and oral evidence of Robert Armstrong,⁶ who seems to have been present at this GEN 47 meeting as he was the Principal Private Secretary to the Prime Minister.

¹ KH4.1; Day 282/78; Day 283/56; Day 285/95; Day 286/105; Day 287/69; Day 289/94; Day 290/79; Day 291/1

⁴ KH9.1; Day 271/1

⁵ KC8.1

² KC6.1; Day 280/1

⁶ KA5.1; Day 294/1

³ KC10.1

9.479 There is nothing in this evidence to support the suggestion that the proposed arrest operation was raised or discussed at the GEN 47 meeting, or that there was mention of a gun battle with paramilitary republicans with consequent or any risk to life. On the contrary, the evidence of Edward Heath and Lord Carrington was that no arrest operation for the Londonderry march was discussed, and nor was the possibility or likelihood of a gun battle or consequent or any risk to life.¹ They also stated that to their recollection and belief the minutes were an accurate record of the discussion at the meeting.²

¹ KH4.6; Day 282/136-140; Day 283/56-57; Day 283/60-62; Day 280/52-60

² KH4.6; Day 280/52

9.480 Lord Carrington was aware, albeit in general terms, that there was to be an attempt to arrest a fair number of rioters.¹ However, it does not follow from this that he must or should have appreciated that the operation would endanger life. Any suggestion that it does once again assumes that what occurred was what was planned.

¹ G74.457-8; Day 280/49

9.481 Robert Armstrong told this Inquiry that the impression he got from the meeting was that there was going to be a comparatively peaceful march.¹ Arthur Hockaday (who wrote the first draft of the minutes)² said he had no clear recollection of the meeting, but would have recorded any mention or discussion of a large-scale arrest operation in Londonderry that might run the risk of loss of life had such a discussion occurred.

¹ Day 294/8

² KH9.87

9.482 Having considered all the evidence on this point we are satisfied that the proposed arrest operation was not discussed at the GEN 47 Committee meeting. It was obliquely suggested that the minutes may have been so drafted as to omit or play down mention of the operation,¹ but the suggestion was made with nothing whatever to support it. We consider that the minutes accurately summarised what was said at the meeting.

¹ FS4.72-76

9.483 The suggestion that the proposed arrest operation was discussed at the GEN 47 Committee meeting on 27th January 1972 was the foundation for a further and much more serious allegation, which was that the members of this committee either appreciated that this would endanger the lives of marchers or, at the least, simply did not care whether or not this risk would arise, since they considered “*the marchers to be law-breakers, allies of the IRA, whose lives could properly be jeopardised in order to achieve a greater good, namely to demonstrate to the NI Government and its supporters that the ban on marching was being enforced with zeal*”.¹ The committee, it was argued, approved the arrest plan for “*what they perceived to be a greater good, namely the strict enforcement of the law and the need to avoid Protestant ill-feeling*”.²

¹ FS4.87

² FS4.73; FS4.72-87

9.484 These suggestions amount to allegations that the members of GEN 47 were prepared to risk lives for the sake of political expediency. The allegations were put to and denied by Edward Heath,¹ Lord Carrington,² Arthur Hockaday³ and Kelvin White.⁴

¹ Day 291/46-48

³ Day 271/95-98

² Day 280/153-154

⁴ Day 269/194-195

9.485 Apart from the fact that the foundation for these allegations (approval of an arrest operation) is not established, the allegations are inconsistent with the fact that over the preceding months (and indeed at the very meeting under consideration) a great deal of thought had been (and was being) given to trying to formulate some political initiative to give the minority community a significant say in the government of Northern Ireland. The view, expressed on many occasions, was that an opportunity might arise in the near future when such an initiative could succeed; February was regularly mentioned as a possible target date, although Edward Heath told this Inquiry that he considered that to have been overly ambitious.¹ It was for that reason that it had been agreed at the GEN 47 meeting on 11th January 1972 to defer any plan to re-occupy the no-go areas of Londonderry (which was seen as likely to lead to serious violence), since this would further alienate the nationalist population and jeopardise any political initiative.² It would accordingly have been entirely contrary to the way forward being discussed by the GEN 47 Committee at the time, for its members to have sanctioned any operation that risked the lives of marchers, or even simply to have proceeded on the basis of not caring whether or not the lives of marchers were put at risk.

¹ [Day 291/27](#)

² [G50.309](#)

9.486 There is no doubt that Edward Heath (as he accepted) was of the view that the ban on marches should be enforced; and that the marchers were lawbreakers who should be prosecuted. There is no doubt that he and Lord Carrington were only too aware that there was a possibility that republican paramilitaries might at any time use deadly violence against the security forces, as indeed they had been doing for months; and that the soldiers had been and continued to be engaged in fighting these paramilitaries.¹ But these matters lend no support at all to the allegation that the GEN 47 Committee (and thus the United Kingdom Government) deliberately or recklessly put the lives of marchers at risk by approving an arrest operation (or an operation against republican paramilitaries) that might have this result.

¹ [KH4.6; Day 280/61-62](#)

9.487 For these reasons we are satisfied that there is no basis for these allegations.

The meeting of the Joint Security Committee on 27th January 1972

9.488 On the same day and at the same time (10.30am) as the GEN 47 meeting, the Joint Security Committee met at Stormont. The meeting was chaired by John Taylor MP (the Minister of State at the Ministry of Home Affairs), since, as we mention below, Brian

Faulkner was on his way to London. The Secretary to the Committee at this time was Thomas Cromey, but his evidence was that he had no recollection of any relevant discussions that took place in the Committee over the period under consideration.¹

¹ [KC13.1](#)

9.489 According to the minutes of this meeting,¹ after a discussion of the incidents of the previous week and the rejection of a suggestion that the ban on marches should be extended to Magilligan Strand (which was not covered as it was a beach and not a public road), those present turned to forthcoming events. The minutes record the following:²

“Proposed Marches on Saturday (Dungannon to Coalisland) and Sunday (in Londonderry) posed considerable problems. Tactics will be as for last week-end. The Marches will be stopped at points selected on tactical grounds.

It was agreed that S[pecial] P[owers] A[ct] Regulation 38 should be used to prevent assembly in Dungannon Square. The Londonderry Marches presented more serious difficulties and security action will be primarily an Army operation. It is planned to stifle the Shantallow March at source but it would be pointless to attempt the same tactics in the Creggan area. The basic plan here will be to block all routes into William Street and stop the March there. The operation might well develop into rioting and even a shooting war. Depending on the amount of road transport into Londonderry for the occasion road blocks may be set up and vehicles searched. This would have useful delaying effect.

Prosecution for breaches of the ban on processions was disappointingly slow. The Minister of State at the Ministry of Home Affairs undertook to look into this.”

¹ [G.76.463-466](#)

² [G76.465](#)

9.490 It will be seen from the minutes that at this stage the JSC was contemplating two marches in Londonderry, one originating in the Shantallow area of the city, and the other in the Creggan.

9.491 Representatives of some of the families suggested to this Inquiry that the JSC was told that there was a planned Army operation to arrest hooligans on the occasion of the Londonderry march and that the mention of a shooting war was a reference to what might happen when the arrest operation was launched. The members of the committee, it was submitted, would have been particularly interested to know of this plan, and it was

inherently likely that they were told of it. It was further submitted that the lack of an official record of any discussion on this point was a result of it being “*thought wiser not to minute any detail of the plan*”.¹

¹ FS4.70

9.492 The only direct support for the first part of this suggestion is the fact that in the House of Commons on 1st February 1972 Lord Balniel, the Minister of State for Defence with responsibility for all functions of the MoD, including the three Armed Services, said (according to the daily version of Hansard¹) that: “*The arrest operation was discussed by the Joint Security Council. Further decisions had been taken by Ministers here.*” The bound version of Hansard² recorded him as saying “*The arrest operation was discussed by the Joint Security Council after decisions had been taken by Ministers here.*” Lord Balniel’s explanation for the change was that the first version made no sense and that his office may have asked for it to be corrected.³ Assuming that the later version is an accurate record of what Lord Balniel had said, it remains unclear to what decisions the Minister was referring or when and by whom such decisions had been made. In view of the fact that the JSC meeting was taking place at the same time as the GEN 47 meeting, this could not have been a reference to the latter. Lord Balniel (who later became Lord Crawford) was too unwell to give oral evidence to this Inquiry.

¹ V27

³ KC10.16

² V55.4

9.493 It may be that the arrest operation was discussed at this JSC meeting, though since the committee does not seem in the preceding months to have looked in any detail at the plans of the security forces, any such discussion would be likely to have been in very general terms. However, even assuming that this did happen, there is nothing at all to suggest that the possibility of a shooting war was in the discussion related to any arrest operation, as opposed to what might happen when the march was stopped at William Street. The further suggestion that the minutes of this meeting were so drafted as deliberately to exclude any mention of an arrest operation was not supported by any evidence at all and is an allegation that we reject.

9.494 Edward Heath,¹ Lord Carrington² and Robert Armstrong³ all gave evidence that they did not see the minutes of the JSC meeting and that they were not made aware of the possibility of a shooting war. There is nothing in the GEN 47 minutes or elsewhere in the material considered by the Inquiry to suggest that this evidence of these individuals should be rejected and in our view it accurately reflected the position.

¹ KH4.91; Day 283/61

³ Day 294/41-42

² Day 280/63; Day 280/126-127

9.495 Arthur Hockaday told this Inquiry that when he was Assistant Under Secretary (General Staff) (AUS (GS)) in the MoD he had routinely received the minutes of JSC meetings, and he accepted that after his move to the Cabinet Office in early January 1972 he might well have continued to see these records.¹ However, even assuming that to be so, it is most unlikely that this would have happened before the weekend of 29th and 30th January 1972, since there is evidence to show that such minutes did not get to London for some days after the meeting in question.² Arthur Hockaday's evidence, which we accept, was that he would in any event have read the reference to "*a shooting war*" as being no more than a statement of the obvious and that it would certainly not have implied to him that the shooting would be deliberately initiated by the Army in the course of an arrest operation.³

¹ Day 271/79; KH 9.94

³ KH9.87

² FS8.794; FS8.814-815

9.496 It should also be noted that the JSC did not have a Special Branch Assessment for their meeting on 27th January 1972, since these assessments were produced fortnightly and the last had been supplied for the meeting on 20th January. Thus the submission that there must have been a Special Branch Assessment for the meeting on 27th January and that this probably informed the JSC that "*nothing more than public disorder was expected and perhaps even that there was an understanding that both the Provisional IRA and the Official IRA were unlikely to engage in any hostile action*" has no foundation in fact.¹

¹ FS1.136

9.497 In the early evening of 27th January 1972 Donald Maitland (Edward Heath's Chief Press Secretary) sent a message to Clifford Hill (the United Kingdom Government's Press Liaison Officer in Northern Ireland), which was telegraphed to the Government Security Adviser William Stout. Donald Maitland told this Inquiry that he could not recall this telegram, which he might not have drafted himself.¹ This was in the following terms:²

“FOLLOWING FOR HILL FROM MAITLAND.

THIS MORNING MINISTERS DISCUSSED THE PUBLIC RELATIONS ASPECTS OF THE COMING WEEKEND’S MARCHES AND PARTICULARLY SUNDAY’S IN LONDONDERRY. THEY ACCEPTED THAT THERE WOULD BE T.V. COVERAGE OF MARCHERS FORMING UP IN THE CREGGAN AND BOGSIDE. THEY FELT THIS MIGHT BEST BE COUNTER-ACTED BY T.V. COVERAGE AT THE POINT WHERE THE MARCH IS BROKEN UP AND OF THE ARREST AND SUBSEQUENT PROCEEDINGS IN COURT AGAINST ANY HOOLIGAN ELEMENTS WHO MAY BE ARRESTED.

2. IN THE LIGHT OF TODAY’S DISCUSSION BY THE J.S.C. WOULD YOU PLEASE DO ALL YOU CAN TO ENSURE BALANCED COVERAGE OF SUNDAY’S MARCH.”

¹ KH11.10

² G91.551

9.498 This telegram reflected the view of the GEN 47 Committee that there should be maximum publicity for arrests and court proceedings following the marches.¹ The language used is a further indication that there was no discussion of a large-scale arrest operation at the GEN 47 meeting. If such an operation had been mentioned and planned for it would be reasonable to expect that the equivocal terminology contained in this telegram (“*any hooligan elements ... who may be arrested*”) would have been replaced with something more definite (perhaps “the marchers and rioters ... who will be arrested”). It is also significant that the telegram reveals that ministers hoped that television cameras would be present at the point where the security forces would stop the marchers; this is hardly consistent with the same ministers proceeding in the knowledge that this encounter was likely to lead to the deaths of innocent civilians.

¹ KM11.10

The meeting between Edward Heath and Brian Faulkner on 27th January 1972

9.499 Edward Heath met Brian Faulkner at 10 Downing Street at 5.45pm on 27th January 1972. This meeting came about because Brian Faulkner was coming to London on that day to address a lunch of the Association of Engineers, before meeting Unionist MPs and giving a dinner for the eminent economist and government adviser Sir Alec Cairncross, who had participated in an inquiry into the economic and social position and prospects for Northern

Ireland. Edward Heath had asked to be kept informed when Brian Faulkner was coming to London, and on being told of this proposed visit, suggested on 20th January that the two should meet informally to exchange views.¹

¹ G58AB.360.4-5; OS4.170; G63A.379.1; G70D.441.12; G74F.458.16

9.500

Robert Armstrong made what was called a “*Note for the Record*” of this meeting.

We accept his evidence and that of Arthur Hockaday, that the fact that the document was so named does not indicate that there was some other note that was not for the record.¹

The note was as follows:²

“Mr. Brian Faulkner, Prime Minister of Northern Ireland, came to see the Prime Minister and the Home Secretary at 10 Downing Street on Thursday 27 January 1972 at 5.45 p.m.

Turning first to the security situation in Northern Ireland, Mr. Faulkner said that General Tuzo was still optimistic that the security situation in Belfast would be under control by the end of February or early March. This optimism certainly seemed to be supported by the information which was coming in. The G.O.C expected that from now on there would be a good deal more I.R.A. activity on the border. He had plans for switching some of his effort to the border. Mr. Faulkner was content to leave the G.O.C to decide how to deploy his forces, and thought that there was no need to alter the existing priorities: first Belfast; then the border; and finally Londonderry.

If the G.O.C proved to be right, within a few weeks the situation might be ripe for some political development. Mr. Faulkner did not take the view that the Catholic community was irretrievably estranged as a result of internment ... It was notable that, as the security forces got on top of the I.R.A., it had become possible to carry out searches without causing riots, and members of the Catholic community had begun to give information to the security forces. If the I.R.A. were seen to be licked in Belfast, and it became possible to hold out the prospect of a reduction in the number of internees, and thus of an eventual end to internment, it might be possible to begin political talks. He did not know if Stormont Opposition M.Ps would be willing to talk, though Mr. Lynch had recently suggested in Dublin that the SDLP might be willing to start talking before internment ended.

The Prime Minister said that his impression from Mr. Lynch was that he thought that, although the SDLP ought to talk, they would not do so. Some of them were terrified for their lives; others were frightened of losing such support as they still retained.

He himself did not believe that Mr. [Gerry] Fitt [then the leader of the SDLP, who was widely thought to have been hesitant about the boycott of Stormont] retained any real control of the Party.

Mr. Faulkner said that he did not believe that the SDLP's attitude had the support of the Catholic community, which would (in his view) be in favour of the resumption of talks. He would be in favour of going ahead with a political initiative, as soon as it was possible to be reasonably sure that it would not be overridden by events. The Northern Ireland Government had produced their Green Paper and other proposals for reforms. He wondered what the thinking of the British Government was.

The Prime Minister said that it might perhaps be useful for himself, the Home Secretary and Mr. Faulkner to have a general talk about political possibilities at a later date. It might be possible to contemplate a package made up of the defeat of the I.R.A in Belfast, the prospect of declining internment, and talks about constitutional change.

Mr. Faulkner said that the main question was what the constitutional change should be.

The Home Secretary suggested that it would be easier to get a solution which might last if it could be firmly established that there would be no change in the border for a generation.

Mr. Faulkner agreed that at present neither side was excluding the possibility of a relatively early change in the border, and this was affecting their readiness to envisage talks about changes within the present basic constitutional framework of Northern Ireland as a province of the United Kingdom. His own people would be much more interested in discussing possible minority involvement in Government if they were satisfied that there was no prospect of an early change in the border.

The Home Secretary suggested that one possibility might be a general agreement that there should be no change for a period of twenty years, and that a referendum should be held at the end of that period.

Mr. Faulkner thought that this would be fair enough, and much better than an early referendum, coupled with a commitment for further referenda every ten years; any arrangement of that kind would tend to keep the border at the forefront of Northern Ireland politics. But any proposal for a referendum was open to the risk that, as the referendum drew closer, intimidation would be resumed.

The Prime Minister described the three meetings which the Home Secretary and he had had with the Leader of the Opposition. As a result of the first and second meetings (much of which had been leaked to the press), the Opposition had proposed to proceed straight to inter-party talks with Stormont. Their failure to persuade the SDLP to co-operate had led them at the third meeting to revert to the original suggestion that the first step should be inter-party talks at Westminster. They wanted to include backbenchers in those talks, but it was the view of the Government that talks should be on a Privy Counsellor basis between the two Front Benches. If backbenchers were to be included, considerable complications would ensue, among them demands by the Ulster Unionists at Westminster to be represented as a separate party.

Mr. Faulkner said that the situation in his own party was not bad at all. Opinion was tending to crystallise round the centre. Mr. Phelim O'Neill [a moderate, and individualistic, Unionist MP who defected to and led the Alliance Parliamentary Party shortly afterwards] did a certain amount of muttering, but had no support; Mr. [William] Craig was in the wilderness; and Mr. Paisley had lost a lot of support, as a result of his opposition to internment and his tendency always to leap in.

Mr. Faulkner recognised that the civil disobedience parades in the coming weekend in Derry would be difficult; but there had been no alternative to refusing permission for them. If Orange parades were to be banned, it would be impossible in political terms to let civil rights or other parades go ahead. He assumed (and it was confirmed) that the British Government remained of the view that parades and marches should be banned for as long as internment lasted. It would be important to make clear that those parading were not genuine 'civil righters' but were 'civil disobedients'. It would also be important to ensure that television cameras saw the parades being stopped.

Mr. Faulkner said that the I.R.A. campaign was going through a very dirty phase at present, with attacks on policemen. He referred to the eight men who had recently been taken into custody by the Republican police, but had subsequently been released, although they were apparently carrying guns.

Reverting to the situation of internment and the possibility of reducing it, Mr. Faulkner said that of 700 interned or detained, 240 were officers of the provisional I.R.A and 90 were officers of the official I.R.A. He thought that there were probably about 200 'volunteers' in detention who could be among the first to be considered for release. There were probably about 200 wanted men on the run in the Republic. It was not

generally appreciated that since internment, about 200 men had been arrested on arms and explosive charges and had been convicted. This showed that the authorities were not relying only upon internment.

The Prime Minister thanked Mr. Faulkner for coming and said that he would look forward to a general discussion with him later about possible political moves.

27 January 1972”

¹ [Day 294/4; KH9.88](#)

² [G81.507-511](#)

9.501 There is no reason to suppose that this note is anything other than a full and accurate record of the meeting. The Tribunal accepts the evidence of Edward Heath¹ and Robert Armstrong² that this was indeed the case, and that no significant matters concerning the march were discussed which were not included in the note. There is nothing in the text that supports the suggestion that either Prime Minister regarded the forthcoming marches as raising any particular serious political problems. Dr Robert Ramsay, the Principal Private Secretary to the Prime Minister of Northern Ireland who accompanied him to the meeting, told this Inquiry that Brian Faulkner did not regard the handling of the march in Londonderry as some sort of test of resolve of the security forces or the Government.³ We accept this evidence.

¹ [Day 283/67](#)

³ [Day 215/39](#)

² [Day 294/88](#)

9.502 Edward Heath and Robert Armstrong both told this Inquiry that they had no memory of further discussions about the march, or how to deal with it, until after the events of Bloody Sunday.¹ Edward Heath also stated that he did not have any contact with Brian Faulkner until the evening of 30th January 1972.² This Inquiry has no documentary material to the contrary, and we are satisfied that their recollections were correct on these points.

¹ [KH4.92; Day 294/9](#)

² [Day 283/67](#)

Colonel Dalzell-Payne’s paper on marches

9.503 Colonel Dalzell-Payne was at the time responsible for MO4, the military division at the MoD concerned with Northern Ireland. On 27th January he distributed a paper addressed to the Director of Military Operations at the MoD entitled “Northern Ireland – Marches in 1972”.¹

¹ [G82.512-521](#)

9.504 Colonel Dalzell-Payne explained to this Inquiry¹ that he prepared this paper in order to expand upon Anthony Stephens' submission of the previous day (discussed above), which had outlined the thinking of the MoD, GOC and United Kingdom Representative in Northern Ireland on the proposed handling of the Londonderry march and any resulting arrests.² Colonel Dalzell-Payne felt that a summary paper on marches in Northern Ireland was necessary as no such document existed, the staff in the MoD regularly rotated, and the ban on marches had only recently been extended.³ The covering loose minute shows that the note was distributed to senior officials and military personnel in the MoD and explained that it had been prepared "*as background to the current situation, and to try to anticipate some of the problems we may face on Monday 31 Jan 1972, if events on Sunday prove our worst fears. Shortage of time has not allowed its clearance with Headquarters Northern Ireland.*"⁴

¹ CD1.2; Day 245/14-15

³ Day 245/14-15

² G74.457-458

⁴ G82.512

9.505 In his oral evidence to this Inquiry, Colonel Dalzell-Payne said that "*the worst fears*" to which he referred were two-fold. In general there was the major concern of a serious sectarian confrontation between the two communities, and in relation to 30th January 1972 there was the more specific worry that the march might get out of control, leading to rioting and destruction.¹ However, in view of the contents of this paper (considered below) and of the earlier submission prepared by Anthony Stephens it seems more likely that the reference was simply to a unionist backlash if the marchers were perceived to have successfully defied the ban with the consequent implications for enforcing the ban in the future.

¹ Day 245/16

9.506 The paper itself set out a brief account of marches by both communities in Northern Ireland, and detailed the use of Banning Orders made by the Stormont Government, including the recently announced renewal of the ban on processions for a further 12 months. Colonel Dalzell-Payne observed that "*there is no doubt that the Force Levels to control urban situations of the sort created by illegal marches are prohibitively high*" and that "*it could well be claimed that the activities of IRA gunmen/bombers are easier to control than mass civil disobedience of the sort involved in defiance of the ban on marches*".¹ He noted the widespread hostility among the unionist community to the extension of the ban on marches, and set out the response of the unionist Orange Order,

which had warned that the Government could not expect support for the ban unless it was demonstrated to be effective (something that Colonel Dalzell-Payne took to refer to the anti-internment marches that had taken place earlier in the month).²

¹ [G82.516](#)

² [G82.517-518](#)

9.507 The paper continued:¹

“13. It is not possible to enforce the ban rigidly with the force levels available and we can only hope to deal with two or three large-scale demonstrations at any one time. In order to deal with them effectively however, we must take stronger military measures which will inevitably lead to further accusations of ‘brutality and ill-treatment of non-violent demonstrators.’ These measures should be reinforced by a quicker legal process in dealing with those who defy the ban. The IRA propaganda machine will, of course, make maximum capital from any efforts we may make to enforce the ban. The instructions issued to the Police and the Army immediately after the extension of the ban was announced are at Annex B.

Recommendations

14. We must accept that the current force level cannot be appreciably increased merely to impose a ban on marches. If we accept that the ban must continue, we are left with two possible courses of action, besides speeding up legal proceedings:

- a. An extension of the ban to include all public meetings.
- b. Additional measures for the physical control of crowds which threaten to march.

15. The only additional measure left for physical control is the use of firearms i.e. ‘Disperse or we fire.’ Inevitably it would not be the gunmen who would be killed but ‘innocent members of the crowd.’ This would be a harsh and final step, tantamount to saying ‘all else has failed’ and for this reason must be rejected except in extremis. It cannot, however, be ruled out. We must await the outcome of the events planned for the weekend 29/30 Jan 72, see what effect our firmer measures have, and then if necessary advise the Home Office to urge Mr Faulkner to use his power under the Public Order Act to ban all public meetings, and speed up legal proceedings.”

¹ [G82.518-519](#)

9.508 Colonel Dalzell-Payne said in his oral evidence to this Inquiry that the “*additional measures*” referred to in paragraph 14b consisted of “*principally a more aggressive arrest policy*”.¹ However, the paper was not concerned principally with the hooligan problem but with the problem of enforcing the ban on marches. In this context the “*additional measures*” seem to us more likely to be a reference to the description in the next paragraph of the “*only additional measure left for physical control*”, namely the use of firearms and a policy of “*Disperse or we fire*”.

¹ Day 245/18

9.509 We are more convinced by Colonel Dalzell-Payne’s evidence that his references to “*stronger military measures*” and “*firmer measures*” referred to in paragraphs 13 and 15 respectively were related to a more aggressive arrest policy directed at marchers and to the speeding up of prosecutions.¹ This may well be so, bearing in mind the recently issued Policy Instruction relating to marches,² to which we have referred earlier in this chapter and which was annexed to Colonel Dalzell-Payne’s paper under the heading “*Instructions Regarding Government Ban on Processions*”.³

¹ Day 245/18-20

³ G82.520-521

² G59.362-363

9.510 It was submitted by representatives of the families that the reference to “*disperse or we fire*” in Colonel Dalzell-Payne’s paper evidenced that “*the prevailing culture within Whitehall, Westminster and Headquarters Northern Ireland was one which contemplated as legitimate, the use of lethal force against unarmed civilians, in order to achieve military objectives*”.¹ Colonel Dalzell-Payne’s observation that IRA activity might be viewed as “*easier to control than mass civil disobedience*” was, it was submitted, an attempt to characterise civil rights marchers as a greater threat than gunmen and bombers,² and the proposition was advanced that the paper made it clear that it was “*essential to be seen to police the NICRA march in a manner acceptable to Unionism*”.³

¹ FS1.671; FS1.660; FS1.667-671

³ FS1.669

² FS1.669

9.511 We do not accept these submissions. In the paper Colonel Dalzell-Payne in fact referred to “*disperse or we fire*” as being “*the only additional measure left for physical control*” (our underlining) of the crowds by the security forces. It was not put forward as an option to be adopted either on the occasion of the march on 30th January 1972, or indeed immediately afterwards. Colonel Dalzell-Payne referred to the measure as “*a harsh and final step*” to be “*rejected except in extremis*”. That he did not believe that such circumstances had arisen is shown by his actual recommendations for future action

should it prove necessary after the weekend marches: namely, advising the Home Office to urge Brian Faulkner to ban all public meetings and speed up legal proceedings. The paper therefore does not support the submission that there was any “*culture*” which regarded as legitimate the use of lethal force against unarmed civilians.

- 9.512** Furthermore, Colonel Dalzell-Payne did not characterise civil rights marchers as posing a greater threat than paramilitary republicans. The context of his observation on this point clearly shows that he was referring to the difficulties that arose from the high force levels required at marches, rather than making a direct comparison between the dangers posed by each entity.
- 9.513** The submission that Colonel Dalzell-Payne’s paper argued for the NICRA march to be policed in a manner acceptable to unionists seems to imply that this was to be done by way of support for this section of Northern Ireland’s society. If so, we consider this to be erroneous. The United Kingdom Government had pressed for the ban on all marches in part to balance the introduction of internment, in the hope that the measures together would be seen as a comprehensive policy for maintaining public order, rather than a security initiative directed against the minority community. The ban was (as appears from Colonel Dalzell-Payne’s paper) opposed by elements in all sections of the population. The point that Colonel Dalzell-Payne made was that unless the ban was enforced against civil rights marches, there was a risk of widespread defiance by unionists, increasing still further the pressure on the already stretched security forces.
- 9.514** Family representatives made two further submissions to us in relation to Colonel Dalzell-Payne’s paper. First was the proposition that it contemplated a likely crisis resulting from the firmer measures that would be employed to control the Londonderry march.¹ Again, we are not persuaded by this argument. The paper did address a potential crisis, or at least potential problems, but the scenario envisaged was one in which the “*firmer measures*” had not proved effective, to the extent that the security forces lost, or were perceived to have lost, control of the march.
- ¹ [FS4.79](#)
- 9.515** The second submission¹ was that Colonel Dalzell-Payne’s paper was in some ways related to the memorandum written by General Ford in early January 1972 in which the General wrote that he was “*coming to the conclusion that the minimum force necessary to achieve a restoration of law and order is to shoot selected ring leaders*” of the rioting in Londonderry.² We have considered this memorandum earlier in this chapter.³ We are not persuaded that there is any connection between the two documents, and accept

Colonel Dalzell-Payne's evidence that he did not see General Ford's memorandum.⁴

As is noted above, Colonel Dalzell-Payne was not recommending a policy of "disperse or we fire", and his paper was not confined, as was that of General Ford, to the problem of hooliganism in Londonderry.

¹ FS1.667-670

³ Paragraph 9.104

² G48.299-301

⁴ Day 245/64

The deaths of Sergeant Gilgunn and Constable Montgomery

9.516 On the same day that Colonel Dalzell-Payne distributed his paper, Thursday 27th January 1972, a car containing five RUC officers was ambushed in the Creggan Road on its way to Rosemount Police Station in Londonderry.¹ Sergeant Peter Gilgunn and Constable David Montgomery were killed and Constable Charles George Maloney was injured by gunfire. 8th Infantry Brigade's IntSum for the period indicated that a .45 sub-machine gun had been fired at the car.² A Thompson sub-machine gun fires .45 rounds. It was reported in the press that a Thompson had been used.³ We received evidence to the contrary from PIRA 24, then the Officer Commanding the Provisional IRA in Derry, who indicated that his organisation had killed the two officers but whose recollection was that the weapon used was a .45 semi-automatic pistol.⁴ The officers were the first police officers to be killed in the city since the start of the Troubles.

¹ G80.488

³ L18; L18.1

² G108.654

⁴ Day 426/145-147; Day 427/39

Other matters relating to 27th January 1972

9.517 On this day, the RUC's Assistant Chief Constable, David Corbett, issued an Operation Order for the Londonderry march.¹ This provided for 575 officers from 12 divisions to be on duty.

¹ G80A.506.1

9.518 On the same day, in London, a proposed meeting of the MoD's Northern Ireland Policy Group, which was scheduled to discuss the Londonderry march, was "*cancelled due to British Honduras*".¹

¹ G75D.462.5

The question of assurances given by paramilitaries that the march would be peaceful

9.519 Brendan Duddy was a businessman in Londonderry who in January 1972 had contacts with local politicians, including both nationalists and unionists, and who knew Chief Superintendent Lagan well.¹ His evidence to this Inquiry was that Chief Superintendent Lagan had requested him to seek assurances from paramilitary groups to the effect that individual members would be told not to march and that they would make sure that all weapons were removed from the vicinity of the march. He told us that a few days later he met Malachy McGurran, whom he regarded as a leading Official Republican in Derry, and told him what Chief Superintendent Lagan had requested. According to Brendan Duddy's recollection, Malachy McGurran's immediate response was that the request for these assurances was unnecessary, because he felt confident that there would be no shooting. He said that if people wanted to march they should be allowed to do so; however, he did give an assurance that all guns would be removed.² In his oral evidence, Brendan Duddy told us that there was no discussion at all on what might happen after the march had finished.³ He also said that he might have spoken to Malachy McGurran on or about 22nd, 23rd or 24th January and would have reported his conversation to Chief Superintendent Lagan shortly afterwards, perhaps on the following day.⁴

¹ AD199.1-3

³ Day 432/82

² AD199.4

⁴ Day 432/84

9.520 In his written statement to this Inquiry, Brendan Duddy recorded that he had also approached Ruairí Ó'Brádaigh, then the leader of Provisional Sinn Féin, seeking a similar assurance from the Provisional IRA. According to this evidence, on 27th January 1972 Brendan Duddy was informed by someone (possibly Ruairí Ó'Brádaigh himself) that there would be no weapons on the march, but that the Provisionals were not even going to think about stopping from marching. Brendan Duddy said that he passed that information on to Chief Superintendent Lagan on the evening of 27th January.¹

¹ AD199.5-6; Day 432/86

9.521 Chief Superintendent Lagan, in his written statement to this Inquiry, told us that he had not expected there to be gunfire from either the Army or civilians on Bloody Sunday: *"I based this expectation on what I generally believed would happen on the day and not on information that came from any specific source."*¹ He stated that he did not receive any intelligence, assurances, information or understandings about what to expect in the Bogside on Bloody Sunday from anyone in the IRA or from any politicians or the clergy.²

¹ JL1.6

² JL1.7

- 9.522** Chief Superintendent Lagan's statement was taken before Brendan Duddy came forward. By that time Chief Superintendent Lagan was too unwell either to give oral evidence or to be interviewed about Brendan Duddy's account. This account was not put to any military witnesses because Brendan Duddy came forward long after they had given their evidence.
- 9.523** According to Liam Clarke and Kathryn Johnston's book *Martin McGuinness: From Guns to Government* (Mainstream Publishing, Edinburgh and London 2001, 1st edition p. 51) Chief Superintendent Lagan had been assured by the organisers of the march that neither the Official nor the Provisional IRA would carry guns and he briefed Brigadier MacLellan to that effect at the meeting on 24th January.
- 9.524** Martin McGuinness (then the Adjutant of the Provisional IRA in Derry) told us that he had always presumed that people in NICRA were speaking to Chief Superintendent Lagan, but he definitely had no contact with him.¹
- ¹ [Day 390/36-37](#)
- 9.525** In 1998 Chief Superintendent Lagan wrote to the journalist Lena Ferguson (a television producer who had worked on an investigation of Bloody Sunday for Channel 4 News), referring to a Channel 4 news programme on 19th and 28th January 1998 which in turn referred to him having either directly or indirectly received intelligence on the movements of the IRA on 30th January 1972.¹ In this letter² Chief Superintendent Lagan stated that "*this is completely untrue and that I was never in possession of such intelligence*".
- ¹ [X1.6.53-54](#) ² [JL1.30](#)
- 9.526** In his written statement to this Inquiry¹ Anthony Martin told us that he was involved in the Derry Branch of NICRA. He stated that NICRA contacted both the Official and the Provisional IRA and received an assurance that there would be no IRA flags or guns on the march. He also stated that Brigid Bond "*... would have told Frank Lagan that there would be no IRA violence on the march*".² Brigid Bond was a prominent member of the Derry Civil Rights Association. In his oral evidence he said that he was present when Brigid Bond spoke by telephone to Chief Superintendent Lagan.³
- ¹ [AM24.9](#) ³ [Day 176/48-49](#)
² [AM24.9](#)
- 9.527** Although what evidence we have from Chief Superintendent Lagan appears to indicate that he neither sought nor was given any assurances from either the Provisional or the Official IRA, we accept the account given to us by Brendan Duddy. It seems to us that the apparent conflict between his evidence and that of Chief Superintendent Lagan probably

arose from the fact that the latter was anxious to say nothing that might identify and thus prejudice the safety of his sources of intelligence. The same may be the case regarding Brigid Bond. In any event, on the basis assurances were given that Chief Superintendent Lagan passed on to Brigadier MacLellan, it seems that they related exclusively to the march, and thus would merely have reinforced the view of the officers concerned that it was not so much the march, but the rioting that was very likely to take place, when there might be armed IRA activity.

9.528 It was submitted by those representing most of the families that the Army command should have ensured that it was fully appreciated by the soldiers engaged in the arrest operation that *“the IRA were unlikely to mount an attack on soldiers at or near the march”*, instead of which some of the soldiers were led to believe and may have believed that there was a risk of them being fired on, especially from the Rossville Flats, *“when this was not true”*. The submission continued by suggesting that because of the failure to ensure that the soldiers appreciated that it was unlikely that the IRA would attack them *“at or near the march”*, many soldiers *“may have been unduly apprehensive about this risk and therefore more disposed to use lethal force either as an unwarranted pre-emptive measure or as an over-reaction to a perceived threat or simply following the lead set by others”*.¹

¹ FS1.774

9.529 We do not accept this submission. It is the case that paramilitary republicans were unlikely to mount an attack on the security forces using the march as cover, but there were reasonable grounds for believing (from what had happened in the city over the previous months) that there was an ever-present and real risk of sniping attacks by paramilitaries, especially if rioting broke out, as was likely to happen. In the face of this risk, it would in our view have been irresponsible and in breach of their duty to do the best they could to safeguard their soldiers, for the Army command to seek to persuade them in effect to lower their guard, rather than being constantly alert. We do not accept therefore that through any failure of Army command, or indeed otherwise, soldiers were made unduly apprehensive. The state of mind of soldiers who fired on Bloody Sunday is a matter we consider later in this report, in the course of dealing with what actually happened on the day.

9.530 On the morning of 28th January 1972, the MoD's Permanent Under Secretary's meeting discussed a number of matters concerning Northern Ireland, including the marches planned for the weekend. As to these the minute recorded that *“the basis of the Security Force's operations were noted and it was agreed that Mr Maitland [the Prime Minister's*

Chief Press Secretary] would take up with Mr Hill [the United Kingdom Representative's Press Liaison Officer] the question of the PR activity which would be necessary particularly in connection with the Londonderry march".¹ The minute went on to record that so far as this was concerned action lay with No 10 Downing Street but that the Deputy Chief Public Relations Officer at HQNI, who was Lieutenant Colonel Tony Yarnold, would no doubt be in contact with them.²

¹ [G89A.548.1](#)

² [G89A.548.2](#)

9.531 The discussion on marches probably reflected what had transpired at the GEN 47 Committee meeting the previous day and included at least an oral report by Edward Heath on the JSC's approval of the GOC's plan for dealing with the two marches.

9.532 A meeting of the United Kingdom's Cabinet's Defence and Oversea Policy Committee had been scheduled for 28th January 1972, but in the event it was cancelled, possibly because Lord Carrington was in Rome discussing a new defence agreement with the Maltese Prime Minister.¹

¹ [G86.533](#); [Day 291/42](#); [FR22.139](#)

9.533 At 7.45pm on the evening of 28th January, a second telegram was sent from Donald Maitland to Clifford Hill, which referred back to his message of the previous day. Donald Maitland told this Inquiry that he did not recall this document, and that he might not necessarily have drafted it himself.¹ The telegram read:²

"CONFIDENTIAL

TO IMMEDIATE UKREP BELFAST TEL NO 8 OF 28 JANUARY.

MY TELEGRAM NO. 7 OF 27 JANUARY. MARCH ON SUNDAY.

FOLLOWING FOR HILL FROM MAITLAND.

MINISTERS WOULD LIKE THE SUGGESTION PUT TO MR. FAULKNER THAT A STATEMENT BE ISSUED BY NORTHERN IRELAND GOVERNMENT BEFORE SUNDAY'S MARCH.

2. THIS STATEMENT WOULD BE TO THE EFFECT THAT

(A) ALL RESPONSIBLE CITIZENS OF LONDONDERRY SHOULD KEEP OFF THE STREET SEMICLN

(B) THE SECURITY FORCES WILL USE MINIMUM FORCE SEMICLN

(C) THE SECURITY FORCES WILL TAKE THE MEASURES WHICH THE TACTICAL SITUATION REQUIRES SEMICLN

(D) THEY WILL DO EVERYTHING POSSIBLE TO MINIMISE INCONVENIENCE TO PEACEFUL CITIZENS.

3. THE PURPOSE OF THIS STATEMENT WOULD BE

(A) TO PREPARE PUBLIC OPINION HERE AND IN NORTHERN IRELAND FOR VIOLENT SCENES ON T.V. FOLLOWING THE MARCH SEMICLN

(B) TO EXPLAIN IN ADVANCE THAT THE SECURITY FORCES' COUNTER-MEASURES WILL TAKE PLACE AT POINTS OF THE ARMY'S CHOOSING SEMICLN

(C) TO EXPLAIN IN ADVANCE WHY C.S. GAS MAY NOT BE USED.

4. PARALLEL WITH SUCH A STATEMENT WE SHOULD LIKE YOU TO ARRANGE FOR THE PRESS TO BE REMINDED OF THE REPEATED CALLS OVER RECENT MONTHS BY MEMBERS OF THE CATHOLIC COMMUNITY FOR A BAN ON ALL MARCHES.

5. WOULD YOU PLEASE PUT THESE SUGGESTIONS URGENTLY TO MR. FAULKNER'S OFFICE."

¹ [KM11.10-11](#)

² [G90.550](#)

9.534

Edward Heath accepted in his oral evidence to this Inquiry that one of the purposes of making the suggested statement was to show the public that while there was likely to be violence this would be the fault of those conducting an illegal march. He also accepted

that as officials and politicians thought about the march in greater detail in the days leading up to 30th January 1972, the possibility of violence was being seen as a rather more substantial risk than had seemed likely earlier in the week.¹

¹ [Day 273/113](#)

9.535 It was submitted to this Inquiry by representatives of some of the families that the reference to “*violent scenes*” in this telegram, when considered in relation to many of the other documents considered above, was evidence of an awareness among senior civil servants and politicians of the very serious risk involved in proceeding with an arrest operation, or indeed with seeking to stop the march. It was argued that the phrase was considerably stronger than the warning contained in the Prime Minister’s summing up of the GEN 47 meeting, where only (seemingly commonplace) “*incidents of confrontation*” were mentioned, and hence that leading policy makers in Westminster appreciated that there was a greater danger associated with the proposed operation, namely that “*innocent civilians may be shot*”. Further, the alleged dichotomy between the telegram and the GEN 47 minute led to a further submission regarding the accuracy of the latter, and the proposition that there might have been another meeting about the march that took place on 28th January 1972, the records of which this Inquiry has not seen.¹

¹ [FS1.763-767](#); [FS4.79-82](#)

9.536 We are not persuaded by this interpretation of the relevant documents, and do not accept that the reference to “*violent scenes*” was substantially different from the Prime Minister’s warning about “*incidents of confrontation*” at the GEN 47 meeting. A number of senior civil servants and ministers gave evidence, which we accept, to the effect that they anticipated only the “*usual rioting*” at the end of the march, and not a major shooting incident (Kelvin White,¹ Arthur Hockaday,² Lord Balniel³ and Lord Carrington⁴). In our view, it is this expectation that is reflected in the second Maitland–Hill telegram, which is consistent not only with the GEN 47 minute, but also with Anthony Stephens’ current situation report dated 28th January 1972, in which he wrote that:⁵

“It seems inevitable that, with the large numbers of demonstrators which are expected to turn out in Londonderry, bringing the march to a halt is bound to result in the local hooligans coming to the fore. It is being suggested to the Northern Ireland Government that there would be advantage in putting out a statement beforehand which recalled that it was the Catholics who were pressing in mid-1971 for a ban on marches; stressed the illegality of any march in defiance of the ban; and made it clear that the security forces would ensure that any such march was halted, with no more force than was necessary.”

¹ [Day 269/124](#)

² [Day 271/75-76](#)

³ [KC10.12](#)

⁴ [Day 280/60](#); [Day 280/135](#)

⁵ [G87.535](#)

9.537 The use of the present tense (“*It is being suggested*”) in the second sentence of the above quotation indicates that this document was written after the decision had been made to send the second message.

9.538 Following the telegram, the Army and RUC issued a joint statement, warning that the marches were illegal and that they would be stopped at a time and place of the security forces’ choice.¹ This document is set out and discussed below, but it is relevant to note here that the statement included the comment that “*Experience this year has already shown that attempted marches often end in violence*”. None of these earlier incidents had involved outbreaks of shooting. For these reasons it seems more than likely that the reference in the second telegram is to televised scenes of violence involving hooligans and taking place after the march, rather than a gun battle with paramilitary republicans.

¹ [G93.556](#)

9.539 It is possible that the public statement (and hence also the telegram suggesting it) arose from the recommendations contained in Colonel Dalzell-Payne’s paper on marches.

9.540 There is no evidence at all to support the suggestion that there was a meeting of ministers on 28th January 1972, which prompted the second telegram. We accept the evidence of a number of ministers and civil servants that this telegram arose from the response of officials to the conclusions of the GEN 47 meeting the previous day, as is reflected by the record of the MoD’s Permanent Under Secretary’s meeting on the morning of 28th January. No further ministerial authorisation was required, and none was given (Edward Heath,¹ Robert Armstrong^{2,3} and Lord Balniel⁴). There is no document

recording any further ministerial discussion, which would have to have taken place on a Friday (a day when ministers would have tried to avoid meetings), and probably in the absence of the Secretary of State for Defence, who we were told was in Rome.⁵

¹ [Day 291/43](#)

⁴ [KC10.12](#)

² [Day 294/92-93](#)

⁵ [Day 291/43](#)

³ [Day 294/95-96](#)

9.541 On Friday 28th January 1972, Brian Faulkner, in his capacity as Minister for Home Affairs, signed an order, under section 34 of the Civil Authorities (Special Powers) Act (Northern Ireland) 1922, authorising Brigadier MacLellan to direct the occupation by troops under his command of “*such lands, buildings or other property within the city of Londonderry as he may deem necessary for the purpose of military operations on 30 January 1972*”.¹ Brian Faulkner also replied on this day to General Tuzo’s letter and report of 25th January (considered above²), in which the GOC had defended the handling of the previous weekend’s marches (including the one at Magilligan Strand).³

¹ [B1279.023](#)

³ [G74AA.458.6.1](#)

² [Paragraph 9.284](#)

9.542 The *Derry Journal*¹ and *Irish News*² both reported the following NICRA press statement in their editions of 28th January 1972:³

“A meeting of stewards for Sunday’s planned Civil Rights demonstration and rally at Guildhall Square, Derry, will be held at the Creggan Centre at 8.00 p.m. tonight. Stewards will receive final instructions from members of the N.I.C.R.A. executive, and be fully briefed on plans and tactics.

Special emphasis will be placed on the absolute necessity for a peaceful incident free day on Sunday.

Civil Rights Organiser, Mr. Kevin McCorry, has pointed out that Mr. Brian Faulkner and Mr. John Taylor are counting on an outbreak of violence to justify any British Army violence used on Sunday. Sunday would be ‘make or break day’ with the cause of Civil Rights and the release of internees.

Any riot, any trouble, any incident, must be confined to members of the British Army. They disgraced themselves at Magilligan on Saturday last with their unprovoked savagery. Do not let them disgrace you, the City of Derry and the whole democratic cause, said Mr McCorry.”

¹ [L18.1](#)

³ [G92.552](#)

² [L18](#)

Lieutenant Colonel Wilford's reconnaissance on 28th January 1972

9.543 Colonel Wilford was unfamiliar with Londonderry and on the morning of 28th January 1972 he conducted a reconnaissance of the city, both in a car and in a helicopter.¹

¹ [B1110.062](#)

9.544 Colonel Wilford's evidence to this Inquiry was that he could not remember the helicopter reconnaissance. In his written statement to the Inquiry he told us:¹

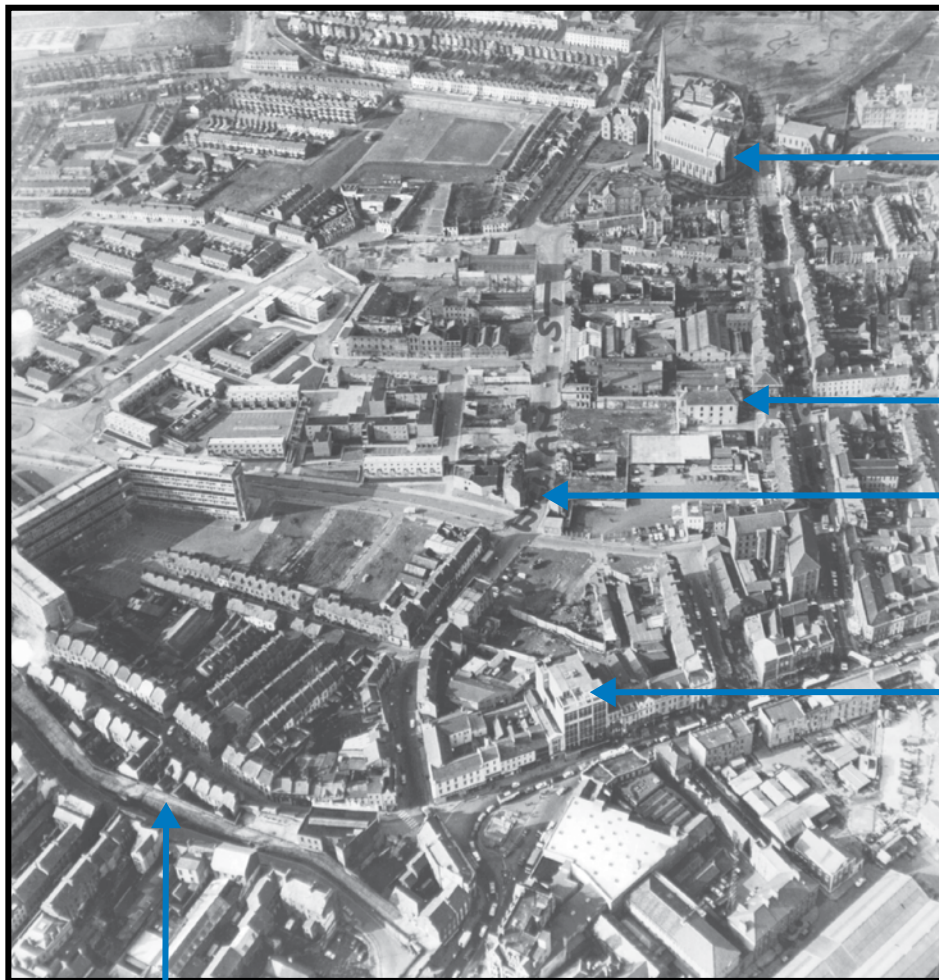
“39. I do not recall actually being in the helicopter. I would have had a map with me and I would have looked at various important points that could be seen from the air. I would have got a better idea of distances from this and no doubt I would have been struck that Londonderry was physically very similar to Belfast i.e. an urban area with narrow streets, open spaces and high rise blocks. I think the smallness of the place struck me.

40. As I flew over in the helicopter I would have been making my appreciation. I had to be flexible. I did not know the size of the crowd, the route or routes it would take or where I would be called upon to deploy my soldiers. Two places had been highlighted and I appreciated that trouble could arise at either or both of those locations and/or elsewhere.”

¹ [B1110.023-024](#)

9.545 In his reconnaissance by car, Colonel Wilford was driven by Captain INQ 1803, the Grade 3 staff officer responsible for intelligence at 8th Infantry Brigade.

9.546 We set out below a photograph and map showing the relevant area of the city.



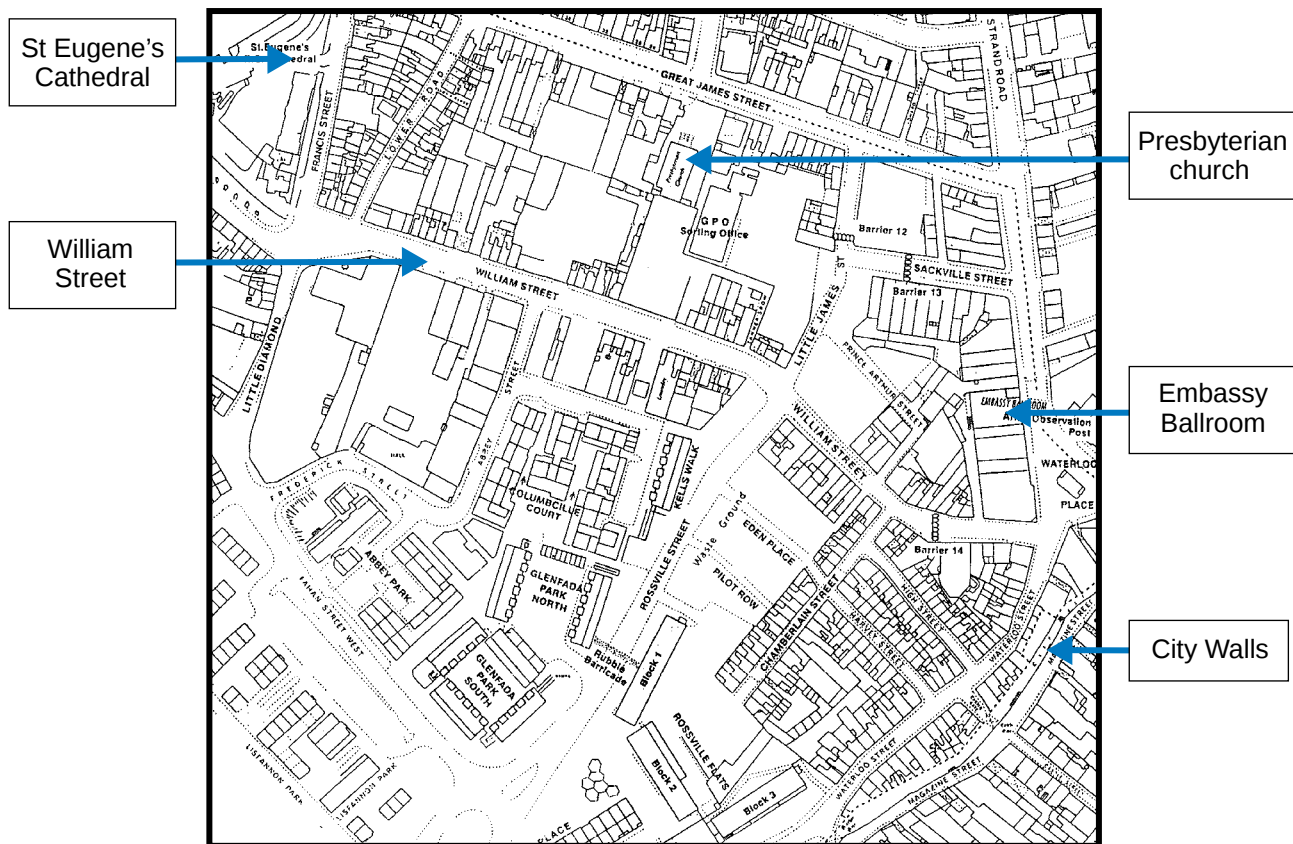
St Eugene's
Cathedral

Presbyterian
church

William
Street

Embassy
Ballroom

City Walls



9.547 Colonel Wilford's recollection was that the Intelligence Officer pointed out the Presbyterian church and a nearby derelict building; and that he noted the latter as a possible Tac HQ. He recalled that the car did not enter the no-go area and added in his written statement to this Inquiry that "*I did not go up and down William Street because that was in the Bogside*".¹ However, in his oral evidence to the Widgery Inquiry, Colonel Wilford said that his reconnaissance by car had included William Street.² Captain INQ 1803's evidence to this Inquiry was that the car did not enter the Bogside or Creggan, because this would have been dangerous, but that he did drive Colonel Wilford around the "*William Street, St Eugene's Cathedral area, so that he could see the general topography*".³ Neither witness recalled going onto the City Walls or to the Embassy Ballroom.

3 C1803.6

2 WT11.37

9.548 Captain INQ 1803's recollection was that details of any arrest plan were not discussed. He pointed out that at that time Colonel Wilford would not have had any specific plan. Although he could not recall it, he thought that the two would have discussed the concept

of the arrest operation in general terms. However, since Captain INQ 1803's role was to provide information about the area and he was not himself "*in the operational side*", it was, he said, not for him to discuss the details of the operation.¹

¹ Day 293/35-37; Day 293/60-61

9.549 It was submitted to us on behalf of some of the soldiers¹ (not including Colonel Wilford) that Colonel Wilford thought of the Presbyterian church as a route for his arrest force during the course of the reconnaissance. Their submission appears to be based on the evidence of Captain INQ 1803. However, this witness had a very limited recollection of events, though he was willing to agree that discussions about deployment through the Presbyterian church could have taken place. In his oral evidence to this Inquiry there was the following exchange with Captain INQ 1803:²

"Q. So far as your recce was concerned, by car, did you discuss with him possible routes in for his arrest force? Perhaps if I ask you specifically about the Presbyterian Church: was there consideration or discussion about the Presbyterian Church in the course of this recce, do you recall?

A. The Presbyterian Church was discussed in the context of an area where he might have, or might deploy some of his unit, have a holding area prior to being involved in any arrest operation.

Q. You do not recall, do you, whether the Presbyterian Church or the wall adjacent to it leading through to William Street, was discussed as a possible route through which two companies might be sent to conduct the arrest operation or part of it?

A. I do not specifically recall that, but I think it is quite likely that that is the sort of thing – I would not deny that that discussion might have taken place, but I do not specifically recall it.

Q. If there had been discussion of that kind, would you have been giving a view as to whether this was a feasible proposition to Colonel Wilford, given it was his first visit to the city, as you understood it, or would you simply have been advising him on what the geographical layout was, where the hooligans would be and so on?

A. No, I think I had thought that he was considering doing something that I thought would not have been, you know, a practical – if it had been inappropriate, I would have said so to him.

Q. Do you have any recollection of there being a suggestion from Colonel Wilford that he might deploy troops through that church or the grounds of the church, the Presbyterian Church?

A. Well, as you have raised the matter it is in my mind at the moment, I cannot quite sort of distinguish whether it is something that seems very logically to happen or whether it did, but I do not specifically remember discussing it, but it is quite possible we did.

Q. You knew the area, did you, well enough to be able to advise him as to whether that was a feasible proposition or not?

A. In terms of exactly what would be the feasible proposition?

Q. The nature of the obstacles, to start with, that the troops might find going through that area and/or the possibility of making themselves more blatant targets for IRA snipers, things of that kind?

A. Well, in a general sense I was aware of the topography and of course we were actually situated there at the time, so these thoughts or discussions would have taken place and assessing the practicalities and drawing attention to the sort of experience of the brigade, particularly the resident battalions, in that specific area over the whole period since the internment operation in August last year, the year before.”

¹ [FS8.544](#)

² [Day 293/62-64](#)

9.550

The representatives of the same soldiers also submitted that the reconnaissance was brief and limited by the security situation at the time. It was submitted on behalf of some of the families that the reconnaissance was completely inadequate and that a senior officer who could have advised him should have accompanied Colonel Wilford.¹

¹ [FS1.858](#); [FR1.41](#); [FR1.402](#); [FR7.195](#)

9.551 It was submitted on behalf of other soldiers (including Colonel Wilford) that the Presbyterian church was in a perfect pivotal position in that, if Support Company went over the wall there, it could link up with A Company to the west or C Company to the east, and that the factor that ruled it out was that the ground level on one side was significantly lower than on the other. It was submitted that this was:¹

“... just the sort of fact which is all too obvious with the benefit of hindsight but which might well not have been anticipated, even with the benefit of careful preparation and/or local knowledge. Only those who had actually climbed the wall and looked at the ground on both sides were likely to have appreciated the problem.”

¹ [FS7.834-836](#)

9.552 Although we accept that the Presbyterian church was in a good position from the point of view of deploying soldiers in an encircling arrest movement, we do not accept that the failure to appreciate the impracticability of the Presbyterian church route was obvious only with the benefit of hindsight. The whole idea was for the troops to move very fast indeed to get behind rioters. Colonel Wilford's priority, when making his plans, should have been to ensure that large numbers of troops could get to the rioters quickly.

9.553 We find that this was an unsatisfactory reconnaissance. In our view, a more careful examination of the terrain should have taken place. This would have revealed that the Presbyterian church route was not suitable. Colonel Wilford should have consulted closely with those stationed in the city on how best an arrest operation should be conducted and should have looked at the route through which he proposed to send troops. We formed the firm impression that Colonel Wilford was intent on showing the local troops how an arrest operation should be conducted and was not keen to take advice from them on how it should be done.¹ As will be seen later in this report, in the end Colonel Wilford did not launch his arrest operation, or any part of it, through the Presbyterian church route.

¹ [B1110.155-6](#); [B1110.174](#); [X1.35.5-11](#); [X1.35.14](#); [X1.35.35](#); [X1.35.51](#); [X1.35.65](#); [Day 312/25-33](#); [Day 315/5-8](#); [Day 317/33-45](#)

9.554 At this point it is convenient to deal with evidence of other reconnaissances before 30th January 1972 by officers of 1 PARA.

9.555 Captain INQ 1495, a Company Commander in 1 R ANGLIAN, recalled escorting a number of officers of 1 PARA on foot around the area north of Waterloo Place. His recollection was that he had also shown them two walls, one on each side of the

Presbyterian church, and had suggested to them that their troops might trap rioters in a pincer movement on 30th January 1972 by going over the wall on the east side of the Presbyterian church.¹ He could not recall whether Colonel Wilford had been among the Parachute Regiment officers whom he had escorted but thought that the reconnaissance had taken place about a week before Bloody Sunday.²

¹ C1495.2; Day 304/49

² Day 304/46; Day 304/56

9.556 Major INQ 10, the Commander of A Company of 1 PARA, recalled going on a reconnaissance to Londonderry with the Commanders of C Company and Support Company.¹ He thought that he had done so before 30th January 1972. In the course of his oral evidence he said that he no longer recalled the date of the visit but he remained convinced that it had taken place before the day of the march.² Major 221A and Major Loden (also known to the Inquiry as Major INQ 236), the Commanders of C Company and Support Company of 1 PARA respectively, did not refer in their evidence to any such reconnaissance. Major Loden, in his oral evidence to this Inquiry, said that any reconnaissance before the day would have been difficult because the battalion was “*pretty permanently on the streets of Belfast*”. He explained that Colonel Wilford had made a reconnaissance but that other members of the battalion had not because they had been occupied elsewhere.³

¹ B1343.001

³ Day 345/2

² Day 289/4; Day 289/54; Day 289/66

9.557 Major 159, Commander of 53 Battery, 22 Lt AD Regt, told this Inquiry that he saw a group of about four members of the Parachute Regiment carrying out observations from the City Walls on the night before the march. According to him they were being escorted by an officer from a local battalion.¹ The evidence of Major 159 is inconsistent with the convincing body of material that demonstrates that 1 PARA did not arrive in Londonderry until early in the morning on 30th January 1972.

¹ B1953.001; Day 349/107; Day 349/134

9.558 Colonel Wilford, in his oral evidence to this Inquiry, said that he was the only officer from 1 PARA who made any reconnaissance of Londonderry for the purposes of the 30th January march. He had no recollection of anyone suggesting to him during his reconnaissance that 1 PARA should use the route over the wall next to the Presbyterian church.¹ The evidence of Captain INQ 1803 was that no other person was present at the reconnaissance that he conducted with Colonel Wilford.²

¹ Day 312/21-22

² Day 293/60

9.559 Neither Captain INQ 1495 nor Major INQ 10 recalled Colonel Wilford being present during the visit that they describe, while both Colonel Wilford and Captain INQ 1803 said that the reconnaissance that they conducted on Friday was by them alone. The account given by Captain INQ 1495 was not supported by any evidence other than that of Major INQ 10. Further, we know that Captain INQ 1495's Commanding Officer, Colonel Roy Jackson, was not consulted by Colonel Wilford about the plans for the arrest operation.¹ It seems highly unlikely that one of his officers could have escorted officers from 1 PARA on a reconnaissance without Colonel Jackson becoming aware of the fact.

¹ [CJ2.9](#)

9.560 We have concluded that only Captain INQ 1803 accompanied Colonel Wilford on the reconnaissance that took place on Friday 28th January 1972. We consider that the recollections of Major INQ 10 and Captain INQ 1495 were at fault. They were probably each recalling reconnaissances that took place in relation to a different operation.

The co-ordinating conference

9.561 The Operation Order provided at paragraph 11(c) that a "*co-ordinating conference*" would be held at Brigade Headquarters (Ebrington Barracks) at 1430 hours on 28th January for all commanding officers.¹ Some witnesses, including Colonel Ferguson, the Commanding Officer of 22 Lt AD Regt, referred to this meeting as a Brigade Orders Group. Colonel Ferguson told this Inquiry:²

"An orders group is not a conference ... it is not a debating organisation, it is a situation where orders are given out."

¹ [G95.575](#)

² [Day 281/58](#)

9.562 However, the orders for Operation Forecast had already been distributed in writing. It seems to us that the meeting on 28th January 1972 could properly be described as a conference. Colonel INQ 598, the Commanding Officer of 1 CG, also referred to the meeting as an order group but gave the following description, in general terms, of the purpose of such a meeting:¹

"I think if they could do it, they would get the written order to you first and then it would be a confirmatory session, the order group, so to speak, where anybody could ask questions or raise doubts on what was in the order."

¹ [Day 272/4](#)

9.563 Colonel INQ 598 could not recall whether in this instance he had received the written orders before attending the co-ordinating conference or on arrival there.¹

¹ [Day 272/3](#)

9.564 In a draft statement for the Widgery Inquiry, Brigadier MacLellan recorded that he had approved the written orders on 27th January 1972 and on the following afternoon had “held a co-ordinating conference to clear up any queries on those orders”.¹

¹ [B1232](#)

9.565 The co-ordinating conference was attended by the following officers:

- Brigadier MacLellan
- Colonel Steele
- Colonel Ferguson, Commanding Officer of 22 Lt AD Regt
- Colonel Jackson, Commanding Officer of 1 R ANGLIAN
- Colonel Welsh, Commanding Officer of 2 RGJ
- Colonel Wilford, Commanding Officer of 1 PARA
- Colonel INQ 598, Commanding Officer of 1 CG
- Major INQ 1900, Deputy Adjutant and Quartermaster of 8th Infantry Brigade
- Captain INQ 1803, General Staff Officer 3 (Intelligence) of 8th Infantry Brigade
- Chief Superintendent Lagan, RUC.

9.566 In his draft statement for the Widgery Inquiry, Brigadier MacLellan wrote that the conference was also attended by David Corbett, Assistant Chief Constable (Operations) of the RUC.¹ The recollection of Chief Superintendent Lagan, in his statement to this Inquiry, was that he was the only non-military person present.² Chief Superintendent Lagan’s recollection of the meeting was faulty in at least one respect, in that he recalled that it was held on Saturday 29th January 1972, the day before the march. The Inquiry was unable to obtain evidence from David Corbett, who is deceased.

¹ [B1232](#)

² [JL1.12](#)

9.567 At the conference, Brigadier MacLellan informed the officers that he would be exercising command on 30th January 1972 from his headquarters at Ebrington Barracks and that Chief Superintendent Lagan would be with him. He also told them that General Ford intended to observe the event and that General Ford's "*Rover Group*" would include David Corbett and also the Colonel (GS) Information Policy, Colonel Maurice Tugwell.¹

¹ [B1232](#)

9.568 In his draft statement for the Widgery Inquiry, Brigadier MacLellan told the Widgery Inquiry:¹

"At this co-ordinating conference I made a particular point of stressing that the event was to be handled in the lowest possible key, that CS gas was only to be used when in imminent danger of being over-run, and the necessity for using minimum force."

¹ [B1232](#)

9.569 Brigadier MacLellan's evidence that he emphasised the need for the operation to be "*low key*" is confirmed by a document created by Colonel Ferguson, the Commanding Officer of 22 Lt AD Regt. During the conference Colonel Ferguson made notes which include the words "*low key*".¹

¹ [B1122.48](#); [Day 281/93-94](#)

9.570 At the conference Brigadier MacLellan went through the order. He made detailed notes before the conference, which were typed up and have survived in that form. The notes follow, to a great extent, the topics set out in the written Operation Order.

9.571 Under the heading "*Background to the Event*", the notes were as follows:¹

- "2. Latest Int assessment
- a. No Shantallow.
 - b. Est of numbers from Creggan. Highest now 20,000 but expect 5,000.
 - c. Mood of NICRA; non-violent; use of stewards.
 - d. Number at actual Meeting Place possibly 500; mainly moderate.
 - e. No info on contingents from Waterside.
 - f. Hooligan violence inevitable.
 - g. Route. Most likely – Eastway – Lone Moor Rd – Creggan St – William St."

¹ [G88.537](#)

9.572 Later in the notes, at Item 6, there is a further reference to the receipt of intelligence:¹

“Vulnerability of Blighs Lane and Brandywell

1. Int received of threat to Brandywell.
2. Pre-stocking with ammo.
3. Threat to these locs to be taken very seriously.”

¹ [G88.538](#)

9.573 On one copy of the notes, the words “*Present active build up*” appear in Brigadier MacLellan’s own handwriting against the heading “*Latest Int assessment*”.¹ Brigadier MacLellan was unable, when giving evidence to this Inquiry, to recall the significance of those words.²

¹ [B1279.102](#)

² [B1279.034](#)

9.574 Both Brigadier MacLellan and Colonel Steele, in their oral evidence to this Inquiry, said that they thought that most of the intelligence that they had received relating to the march came from Chief Superintendent Lagan.¹

¹ [Day 261/63](#); [Day 266/75](#)

9.575 However, Brigadier MacLellan also had available to him at the time of the conference the signal that had been sent to him by David on the preceding day. As we have noted above, it seems likely that the reference to a threat to the Brandywell was based on information contained in that signal.

9.576 The second section in the notes refers to the threats perceived by the security forces to be facing them. The notes were:¹

“Threat

No change from Op Order ie

1. Confrontation between SF and marchers.
2. IRA activity, to take advantage of event.
3. Hooligan reaction – continuing after event.
4. Sectarian unrest, in Fountain St area.”

¹ [G88.537](#)

9.577 The following section is headed “*Concept of Ops*”. The notes there were as follows:¹

- “1. Lowest possible key.
- 2. Emplacement of Barriers at last possible moment.
- 3. Use of CS Gas – only when in imminent danger of being over-run.
- 4. Leading members of march will be non-violent.”

¹ [G88.537](#)

9.578 Under “*Forecast of conduct of ops*” Brigadier MacLellan wrote:¹

- “1. Routes.
- 2. Dispersal.
- 3. Prolonged hooligan violence thereafter...”

¹ [G88.539](#)

9.579 The evidence of the officers present at the co-ordinating conference was that details of Colonel Wilford’s plans for the arrest operation were not discussed there.

9.580 In the course of his oral evidence to this Inquiry, Brigadier MacLellan was asked about the need for marchers and rioters to be separated before any arrest operation was launched. The following exchange then took place:¹

“Q. Do you remember whether, on this conference, that there was any discussion as to how exactly the arrest operation would be carried out, assuming that the march took its expected route?

A. I think this conference took place on 28th or something like that?

Q. It did.

A. Two days before the march, which was attended by the commanding officer of the Parachute Battalion. So he had two days, or certainly time to do a reconnaissance and, as the tactical plan was his, before he had done a reconnaissance, there was no point in really discussing it with him, almost.

Q. So there would not have been any discussion on this occasion about how you would carry out the operation or how the arrest force was to get behind the marchers?

A. No, I think it may have been too straightforward, but he was told what his task was, was to arrest as many hooligans as he could, basically.

Q. Was there any discussion that you recall at the conference as to how far the arrest force was to be allowed to go into the Bogside?

A. No, I think that follows from separation in a way. The restrictions I put on were tactical rather than geographical, they were not to get sucked into the marchers and the main town.”

¹ Day 261/76-77

9.581

Later in the course of giving his evidence, it was pointed out to Brigadier MacLellan that Colonel Wilford had conducted a reconnaissance on the morning of 28th January 1972, immediately before the co-ordinating conference. Brigadier MacLellan said he still had no recollection of discussing Colonel Wilford’s plans at the conference.¹ He was then asked whether there should have been such a discussion, either at the conference or at some other time. He replied:²

“A. This was some 48 hours, I think, before Sunday 30th, and if he had any problems he had only to come back to me.

Q. You, 8 Brigade, through you as commanding officer, knew the geography of the area better than the Paras could know.

A. My – the brigade knew the area better, yes.

Q. The tactics the hooligans had used over the previous weeks and months were known to you. Who told Colonel Wilford all of this?

A. He was at liberty to – I mean, he was not a schoolboy; he was a senior officer, and he would ask if he did not know.

...

Q. Who told Colonel Wilford any of the detail that may have mattered to him in carrying out the arrest operation on the ground?

A. I do not know, but I think it is probably highly likely that he consulted the Brigade Major, and may well have asked the other commanding officers. If he did not, he should have done, should he not?

Q. That is your view, is it?

A. That is my view. It was down to him –

Q. Down to him to ask?

A. To find out. That is what reconnaissance is about.

Q. This is clear, is it not: neither at the co-ordinating conference, or indeed at any later time before or on the day of Bloody Sunday, did you ask Colonel Wilford what plan he had in mind?

A. No, I did not.

Q. Should you not have done so?

A. I do not think so.”

¹ [Day 263/56-57](#)

² [Day 263/58-59](#)

9.582

Brigadier MacLellan confirmed that he had not known of Colonel Wilford's plan to put troops over the wall to the east of the Presbyterian church. He qualified his answer by asking whether there was a reference in the Army logs to such a plan, saying that if there was then he would have known about the plan through listening to the radio communications. The logs to which he was referring were those kept on the day of the march and there is no reference to such a plan in them. In any event, it is clear from this evidence that Brigadier MacLellan did not have, and was not claiming to have had, any knowledge before the day of the march of the plan to send part of the arrest force over this wall.¹

¹ [Day 265/1](#)

9.583

Colonel Wilford, in his draft statement for the Widgery Inquiry, stated that until the rioting started it was not really possible for him to be specific in his plans.¹ His evidence to this Inquiry was that although he could not recall discussing his plans with Brigadier MacLellan, he thought that any such discussion would have taken place before the co-ordinating conference and not at it.²

¹ [B945](#)

² [Day 312/24-25](#)

9.584 Colonel Wilford did not discuss his plans with the local commanders, either at the conference or at any other time. In his oral evidence to this Inquiry the following exchange took place:¹

“Q. ... Had there been discussion, on either side, with brigade or with local commanders as to the proposed route, for example, through the Presbyterian Church, you might have been told a day or two or three before ‘that simply is not a practicable route’?”

A. ... I cannot recall, in fact, having had a conversation with the Brigade Commander, but I am certain I must have had.

Q. Not about the detail of the route?

A. I am sure I would have spoken about what I – my initial appreciation was.

Q. Did you speak with other local commanding officers?

A. No, because I did not meet other local commanding officers until in fact the day of the briefing.

Q. So their knowledge of the locality and what has sometimes been described as the tactics of the rioters, the routes they may use, the routes into the area, were not discussed in any detail by you with the local commanders?

A. No.

Q. Would that not have been a sensible step to take in preparation for this operation?

A. Well, they were not, they were not presented to me. I do not think that at the time that I, that I gave it much thought, but I honestly again cannot recall. I looked at the ground myself. I obviously did have some conversation with the person who took me round and I had some conversation, which I do not recall, with the Brigadier, um, and that, I think, was sufficient.

This was a built-up area and although it was in Londonderry, not in Belfast, it was a, a built-up area, the sort of area that we were totally accustomed to.”

¹ [Day 315/6-8](#)

9.585 Colonel Steele gave confusing oral evidence on this subject. He was initially asked whether the arrest operation had been discussed at the co-ordinating conference:¹

“Q. ... We have looked at the operation order and we have looked at what you described as the sensible conditions for the launch of an arrest operation – was there discussion of those conditions at the co-ordinating conference?

A. Not to my recollection.

Q. Would there have been a discussion of how the arrest operation would be carried out?

A. No, because how the arrest operation was to be carried out was already spelt out in the operation order and, of course, it was up to the commanding officer of 1st Parachute Regiment to produce a detailed plan.”

¹ [Day 266/86-87](#)

9.586 Later in his evidence he suggested that he did know the outline of Colonel Wilford’s plan:¹

“Q. But prior to 30th January you had not been involved in any discussion with Colonel Wilford as to even the broad outline of his plan?

A. No, I did have the broad outline of his plan, which was that he had three sub-units that he had thought that he would use through barriers 11, 12 and 14; I knew that he was going to move from the FUP [Forming Up Position] to a forward FUP; I did not know which call sign was going through which barrier and that I think was probably the extent of the knowledge that I had of his plan.

I said yesterday, if you recall, that I would have been surprised if Colonel Wilford had not come back to the brigade headquarters after his reconnaissance to give us maybe the broad outline of the way he saw his plan going, but I also said, if you remember, that I could not recollect that.”

¹ [Day 267/101-102](#)

- 9.587 His recollection is wrong in at least one respect since it was not Colonel Wilford's initial plan to put troops through Barrier 12. Colonel Steele went on to indicate that the arrest operation was discussed at the conference:¹

"Q. If we come to the co-ordinating conference ... the second important matter was, if there was to be an arrest operation, how it was to be carried out?

A. Yes.

Q. It could not be carried out in isolation from all of the other battalions?

A. That was why, at the co-ordinating conference, there was a very wide discussion about separation and there was discussion about the arrest operation."

¹ [Day 268/23](#)

- 9.588 He was then asked again about this topic:¹

"Q. ... You have been asked on a number of occasions about your knowledge of Colonel Wilford's own plan for the arrest operation. You did suggest that, although you said you do not recollect specifically, but you envisaged that Colonel Wilford may have spoken to the brigade commander about the arrest plan?

A. Yes, I think I went further and said that I would have rather expected him to.

Q. We know that Colonel Wilford did his aerial reconnaissance and his reconnaissance by car before the co-ordinating conference on 28th January ... Would not the place for any discussion of the detail of Colonel Wilford – or the ambit of Colonel Wilford's arrest plan, would not the place for that discussion have been the co-ordinating conference?

A. Yes, I would agree, but it was not.

Q. Because that is where all the commanders were gathered together; was it not?

A. Yes.

Q. That is where everyone was best placed to assist Colonel Wilford?

A. Yes."

¹ [Day 268/181-182](#)

9.589 The recollection of Colonel Jackson, the Commanding Officer of 1 R ANGLIAN, was that:¹

“... nothing came out of that co-ordinating conference to say how the scoop-up operation would be carried out ... nothing on that conference gave any idea of what was going to happen.”

¹ [Day 285/44-45](#)

9.590 Colonel INQ 598, the Commanding Officer of 1 CG, was also asked whether he recalled any discussion taking place at the conference about the proposed arrest operation:¹

“Q. What I am really asking you, General, is whether you can remember any detail, if it was discussed in your presence, for example, of just how that arrest operation would be mounted?

A. No, because I do not think it was discussed in detail, the operation at the conference. I think that would presumably – I mean, 1 Parachute Regiment were told to get on with it and it was the commanding officer’s plan would be the detail of it.

Q. That would have been unlikely to have been discussed in your presence anyway and at the co-ordinating conference?

A. Very, yes.”

¹ [Day 272/25](#)

9.591 Colonel Ferguson, the Commanding Officer of 22 Lt AD Regt, could not recall there being any detailed discussion about the proposed arrest operation.¹

¹ [Day 281/54](#); [Day 281/96](#)

9.592 Colonel Welsh, the Commanding Officer of 2 RGJ, was asked in his oral evidence to the Widgery Inquiry whether he knew in detail of any proposed arrest operation. He replied:¹

“A. No, I did not know in detail. I knew that there was a possibility that the 1st Parachute Regiment and posses from others might be used to arrest rioters if a suitable opportunity arose.”

¹ [WT10.55](#)

9.593 His evidence in his written statement to this Inquiry was:¹

“I am not sure whether I was aware of the detail of the arrest operation. I think I was probably aware in general terms that it would involve some form of pincer movement and the fact that it would go ahead if the opportunity arose.”

¹ [B1340.002](#)

9.594 In his oral evidence to this Inquiry, he said that he did not think that there was any discussion at the co-ordinating conference of the detail of the arrest operation.¹

¹ [Day 282/53](#)

9.595 Major INQ 1900 had no recollection of there being any discussion at the co-ordinating conference of the detail of the proposed scoop-up operation.¹ His evidence was that there was no mention at that conference about the distance into the Bogside that the arresting force might need to go in order to get behind the rioters. He thought, though, that there could well have been such discussions between the Brigade Major (Colonel Steele) and Colonel Wilford.²

¹ [Day 241/52](#)

² [Day 241/52](#)

9.596 In his written statement to this Inquiry, Chief Superintendent Lagan set out his recollections of the discussions at the meeting:¹

“During the meeting Brigadier MacLellan gave a description of the area and spoke about what was expected and what needed to be done. He discussed the different regiments’ assignments and the different barriers. The discussion was fairly general. The arrest operation was to be carried out by the Paras. Nothing was discussed in my hearing about 1 Paras [sic] role or the potential for IRA involvement on the day. I do not think that the issue of risk (i.e. of injury or loss of life) was discussed either. I assume that matters relating both to the arrest operation and to arms were dealt with by Brigadier MacLellan directly with the Paras and that it was not necessary for him to address these matters with everyone who had attended the meeting.”

¹ [JL1.12](#)

9.597 According to his oral evidence to this Inquiry, Brigadier MacLellan did not discuss the arrest operation with Colonel Wilford after the co-ordinating conference:¹

“Q. You saw Colonel Wilford at the co-ordinating conference that he must have attended. Do you recall when next you saw him?

A. No.

Q. Do you recall whether you saw him or would have seen him at any stage up to and including the commencement of the arrest operation on the day itself?

A. I think that on the morning I embarked on around the units, and I am sure I called in on 1 Para then, and would have seen him then, and not had – I would have merely said ‘Everything all right? Anything I can do to help?’, that type of thing.

Q. Would you, on that occasion, have had any discussion with him about the details of his plans for the arrest force?

A. I do not think so. If I did, I do not remember.”

¹ Day 262/13

9.598 In the light of this evidence it seems to us that the details of Colonel Wilford’s plans for the arrest operation were not discussed at the co-ordinating conference. Most of the evidence is to this effect. Insofar as Colonel Steele’s evidence in this regard differs, we do not rely on it.

9.599 We are not persuaded that there should have been a detailed discussion at the co-ordinating conference. Colonel Wilford had been given the scoop-up task. He did not at that stage know how best to conduct the arrest operation because the circumstances in which arrests were to be attempted were not then known. There would have been no purpose at the co-ordinating conference in the officers trying to lay out any geographical limitation because they did not know where the trouble was likely to occur or whether the circumstances in which such trouble occurred would enable an effective arrest operation to take place. We have no criticism of Brigadier MacLellan in this regard. He could in our view properly leave the reconnaissance and preliminary planning to the Commanding Officer of 1 PARA, who was a senior officer and who could reasonably be expected to know his job. Brigadier MacLellan was entitled to assume that Colonel Wilford would deploy his soldiers in the areas of likely trouble identified in the Operation Order.

Furthermore, since the Brigadier had reserved to himself the right to launch any arrest operation, he could have confidence that, at the time at which he came to give any order, he would know the situation on the ground and the precise location and plans of 1 PARA.

- 9.600** However, it does seem to us that Colonel Wilford should at some stage have discussed the arrest operation and his plans, albeit inchoate, for this operation with local commanders. Had he done so it seems to us that he would be likely to have learned of the difficulties in moving troops quickly through the Presbyterian church route. He might also have learned more about the agility of the rioters and the difficulty of trapping them.

The need for separation of marchers and rioters

- 9.601** Paragraph 9(f)(1)(a) of the Order for Operation Forecast provided for the arrest or scoop-up operation: *“This operation will only to be launched, either in whole or in part, on the orders of the Bde Comd.”*¹

¹ [G95.570](#)

- 9.602** Brigadier MacLellan told the Widgery Inquiry:¹

“My intention throughout was to do everything to reduce the risk to the absolute minimum to the non-violent marchers and, to this end, I certainly was not prepared to launch the arrest operation unless there was serious disorder and rioting and, indeed, we had gone up the scale and, furthermore, I would only then do it if the rioters and the non-violent demonstrators were widely separated.”

¹ [WT11.8](#)

- 9.603** There was no reference in the Operation Order to the need for marchers and rioters to be separated before the launch of any arrest operation. In his oral evidence to this Inquiry, Colonel Steele gave the following explanation:¹

“I think it is because separation was entirely a matter for the Brigadier to decide. He is the person who had retained, to his right, the deployment of the force and in his mind he had – was quite clear that he was not going to launch it unless there was separation. And so this is not something that one would expect to see in the operation order; this is something that was the Brigade Commander’s remit and I think it was

quite right that it was not necessary to have it – to have a paragraph about it in the operation order, but that on the other hand it was perfectly correct that he should have emphasised it at the co-ordinating conference, which he did.”

¹ Day 266/82-83

9.604

There was no reference in Brigadier MacLellan’s notes for the co-ordinating conference to the need for separation. He was asked about this omission by Counsel to the Inquiry:¹

“Q. ... Do you recall whether there was any discussion at the co-ordinating conference as to the circumstances in which the arrest operation would be carried out?

A. Well, I think first that these notes were really an aide-memoire, so it was quite a long thing and it was to see that I did not miss anything critical out, but I am pretty certain, I am almost sure that I talked about separation and that on no account were people to get mixed up with the marchers and so on.

Q. The brigade major in his statement to this Tribunal also believes that you referred to separation but one thing that strikes the reader is that both in the operation order itself and in these notes for the co-ordinating conference, there is no reference to separation; do you know why that is?

A. Yes, I do. The point is that this operation order was to other people. I had reserved the right to myself to give – that no moves are to be made until I gave the order for the arrest operation to take place. So as separation was my decision it would have been giving orders to myself, so to speak.”

¹ Day 261/75-76

9.605

Colonel Jackson gave evidence to this Inquiry on the question of whether separation was discussed at the co-ordinating conference. When first asked, he said that he had no particular recollection of it having been mentioned but added that it was a standard operating procedure for the Army to ensure that hooligans and peaceful people were separated before an arrest operation was launched.¹ However, later in his evidence, he said that he thought that there had been some reference at the co-ordinating conference to the need for separation.²

¹ Day 285/41-42

² Day 286/81

9.606 Colonel Ferguson could not recall any discussions about the arrest operation although he said that they might have taken place. In notes that he made shortly after the conference he wrote the words “*isolate-hooligans*” and speculated that this referred to a discussion on separation.¹ Colonel Welsh could not recall much of what was said at the conference.²

¹ [Day 281/93-94](#); [Day 281/97](#); [B1122.49](#)

² [Day 282/22](#)

9.607 Colonel Steele was certain that Brigadier MacLellan had discussed at the co-ordinating conference the need for separation. He was also sure that at that conference the Brigadier had ordered Colonel Welsh to act on the day as an observer from a helicopter, informing 8th Infantry Brigade from his vantage point above the march whether or not separation of marchers and hooligans had taken place.¹

¹ [B1315.004-006](#); [Day 266/84-85](#)

9.608 Colonel Steele’s recollection about the tasking of Colonel Welsh seems to us to be wrong. There was no reference in the Operation Order or in Brigadier MacLellan’s conference notes to the deployment of an observer in a helicopter to report on separation, and though paragraph 9(j)(1) of the Order called for “*one sioux [helicopter] ... to be [available] for City recce under Bde HQ con*”¹ this might well have been the helicopter used to make an aerial photographic record of the event. Brigadier MacLellan, in his draft statement for the Widgery Inquiry, said that it was on the morning of the march that he had instructed Colonel Welsh to act as a helicopter observer.² Colonel Welsh’s written statement for and oral evidence to the Widgery Inquiry confirmed this timing.³ Although by the time that he came to give evidence to this Inquiry Colonel Welsh thought that he had been given the task at the co-ordinating conference, he believed that his account in 1972 was the accurate one.⁴

¹ [G95.570](#)

³ [B1334](#); [WT10.54](#)

² [B1232](#)

⁴ [Day 282/23](#)

9.609 Colonel Wilford was asked in his oral evidence about the need for separation before the launch of an arrest operation:¹

“Q. Were you aware that Brigadier MacLellan attached importance to there being a clear separation between rioters and marchers so that any arrest force would engage with rioters and not peaceful civilians?”

A. No, but it seems – it seems a reasonable thing.

Q. But you were not aware that that was a matter to which he attached importance?

A. I do not recall that I was.”

¹ [Day 312/60](#)

9.610 We found the evidence of Brigadier MacLellan to be convincing on this point. We accept that there was no reason for Brigadier MacLellan to say at the conference that there was to be no arrest operation if marchers were mixed up with rioters; it was for him to give the order for the arrest operation to take place. In our view there was no detailed discussion about separation, though it remains possible that Brigadier MacLellan said something to the effect that soldiers should not get mixed up with non-rioting marchers.

9.611 Our views on this aspect of the evidence clearly involve our rejection of Colonel Steele’s evidence. It was submitted to us on behalf of some of the families that Colonel Steele committed perjury when giving evidence on this topic.¹ We are not persuaded that he did so. It seems to us that he had genuinely come to believe that which he was telling us. His recollection of events was simply at fault in this respect.

¹ [FS1.834](#); [FR1.417](#)

Consideration of separation by Brigadier MacLellan

9.612 It was submitted to us on behalf of some of the families¹ that separation was never a part of the planning process or, alternatively, was an afterthought on the part of Brigadier MacLellan.

¹ [FS1.818](#); [FR1.405](#)

9.613 On behalf of Brigadier MacLellan it was submitted that the need for separation was clearly in the Brigadier’s mind by the morning of 30th January 1972. At that time, it was submitted, when he instructed Colonel Welsh to act as a helicopter observer, he made it clear that 8th Infantry Brigade was to be informed if and when the separation of rioters and marchers occurred; and that this is apparent from Colonel Welsh’s draft statement for the Widgery Inquiry, in which he recorded:¹

“Before I took off I had an informal briefing from the Brigade Commander. I knew that 1 Para were to mount a snatch operation if a riot situation developed, and if the circumstances made it possible. I was briefed to inform Brigade Headquarters, should a riot situation develop, when the main body of marchers had separated from the rioters. If a riot situation develops one often faces great difficulty in splitting the rioters from spectators. Information on this point was therefore of importance to Brigade Headquarters. I had no knowledge of any detailed orders given to 1 Para or any other possible snatch unit. I assumed that if an adequate separation occurred, a snatch operation might be mounted.”

¹ B1334

9.614 It was submitted on the Brigadier’s behalf that as long as separation was recognised as important before the arrest operation was launched, then when it was so recognised does not matter.¹

¹ FS7.787n.52

9.615 We are of the view that separation was not an afterthought on the part of Brigadier MacLellan. We reject any suggestion that Brigadier MacLellan gave separation no thought or did not care whether separation took place.

9.616 We are satisfied that Brigadier MacLellan did have separation in mind as a prime consideration at the time of the co-ordinating conference. In our view he was not particularly keen on the proposed arrest operation and did not want peaceful civil rights marchers caught up in an arrest operation.

The adequacy of the arrangements for the monitoring of separation

9.617 It was submitted on behalf of some of the families¹ that the arrangements for monitoring separation were inadequate. As evidence of such inadequacy the families relied on Colonel Wilford’s brief reference to separation, the failure to utilise established Observation Posts on the City Walls or the Embassy Ballroom, and on the fact that Colonel Welsh was not a “*trained observer*” and was not briefed on the proposed location of the arrest operation.

¹ FS1.835

- 9.618** We are not persuaded that these matters were shortcomings or that they affected the ability of Brigadier MacLellan to determine separation. Although there was evidence that the Walls and the Embassy Ballroom would have permitted soldiers to monitor separation, the photographic evidence indicates that buildings would sometimes, if not often, obstruct views from those positions. Colonel Welsh was not a “*trained observer*”, but he was the commander of a local battalion who would bring both experience and judgement to his assigned task.
- 9.619** Separation may not have been considered formally as part of the planning process because it was felt that there was no need for a plan to deal with monitoring separation. We consider that the deployment of the helicopter with a senior experienced officer, coupled with the order that the arrest operation should be launched only if authorised by the Brigadier, was an adequate method of monitoring separation and of ensuring that innocent marchers were not caught up in an operation to arrest rioters.
- 9.620** We are satisfied that, in the planning stages, separation of rioters and marchers was adequately considered. We return later in this report¹ to the question of whether this factor was properly considered on the day itself.

¹ [Chapter 20](#)

Other aspects of the co-ordinating conference

The draft Insight article

- 9.621** After 30th January 1972 the *Sunday Times* Insight Team began work on an article about the events of the day. The journalists Philip Jacobson and Peter Pringle compiled a draft article which contained details apparently provided to the *Sunday Times* by one of those present at the co-ordinating conference. The draft included the following paragraphs:¹

“Wilford, indeed, radiated confidence at this briefing session. One of those present recalled to us that while most COs had asked questions about their relatively minor roles on the day, Wilford had said little or nothing. ‘He was so quiet I was convinced he must have had a private briefing beforehand,’ we were told. (If he did, Widgery was not told.)

One of those who did raise his voice was apparently the local police chief, Lagan. He seems to have been stunned by the size of the proposed arrest operation. According to our source at the meeting, MacLellan mentioned a target of 500 arrests. Lagan asked what arrangements were being made to handle that number – to be told that that was his responsibility...

The point which never emerged at Widgery was what attitude the conference took to an operation on this scale. Our source at the meeting gave us this assessment: 'The mood of the meeting was one of complete determination that this really big arrest operation should go through. The risk of firing was discussed and quite clearly accepted. Even if it meant shooting, everyone wanted to show that 8 Brigade knew how to go after the hooligans.'

¹ [S95-97](#); [S191-S193](#)

9.622 No-one has admitted to having been the Insight Team's source for this information. Those military witnesses who were asked denied having been the source. John Barry, the editor of the *Sunday Times* Insight Team, assumed that it was Chief Superintendent Lagan although he had no independent recollection of the source's identity.¹ Chief Superintendent Lagan did not deal with the *Sunday Times* material in his statement to this Inquiry and subsequently became too unwell to give oral evidence or to be asked about it.

¹ [Day 193/171](#)

9.623 Brigadier MacLellan's recollection was that the figure of 500 arrests was never mentioned; General Ford's initial figure had been 300–400 but the Brigadier had expected far fewer. He did not think that he had quantified the number of arrests for which he had hoped.¹ He thought that the source had exaggerated the mood of the meeting and added:²

"... clearly if people are being ordered to ... contain the march, and if it became inevitable to have an arrest operation, they were going to do it as well as they could."

¹ [Day 262/9](#)

² [Day 262/10](#)

9.624 Colonel Steele described the *Sunday Times* draft as "*totally wrong*". He went on to say:¹

"... the Brigadier and I had already agreed between us that a figure of 3 to 400 arrests was ridiculous and so to suggest that he would then have mentioned a target of 500 arrests at the co-ordinating conference is just rubbish."

¹ [Day 266/87](#)

9.625 He was asked whether there was a discussion at the co-ordinating conference of the possibility of shooting and replied:¹

“No, there was not ... There was no question of – there was no discussion on the risk of firing as far as I remember it. What did come through at the co-ordinating meeting very clearly, in my mind, was that the whole march was going to be run in the lowest possible key in the hope that there would be no rioting and that the whole thing would go off perfectly peacefully.

Shooting was the very last thing that was in anybody’s mind.”

¹ [Day 266/88](#)

9.626 Colonel Wilford told this Inquiry that he did not recall being very quiet at the co-ordinating conference¹ and that he did not remember the mood of the meeting.²

¹ [Day 312/34](#)

² [Day 312/35](#)

9.627 Colonel Jackson said that he did recall Colonel Wilford being particularly quiet.¹ He also recalled a large figure being mentioned as the target for the number of arrests although he said that he could not recall whether the number was 300 or 400. He said that those present at the meeting had just accepted the figure put forward as “*pie in the sky*”.² Despite the correlation between the information in the draft and his recollection, he said that he did not believe that he was the source of the information. He said that he had spoken to no journalists between 30th January and 14th March 1972, when he had left Londonderry. He explained that he had expected to be called as a witness before the Widgery Inquiry and so had not spoken to anyone about the events of the day.³

¹ [Day 285/43](#)

³ [Day 285/42-44](#)

² [Day 285/46](#)

9.628 Colonel INQ 598 denied that there was at the meeting a sense of determination that a big arrest operation should be carried out. He went on to say:¹

“I think there was a determination to keep the peace while the illegal march took place. In other words, we hoped that there would be no misbehaviour and if there was not any misbehaviour, there was not going to be a scoop-up operation. But we had our doubts as to whether we were going to get to that stage.”

¹ [Day 272/6](#)

9.629 Major INQ 1900 described the flavour of the meeting as being “*one of calm professionalism*”.¹ He said that:²

“... the mood of the meeting was that we should successfully contain, with minimum force, the march that was planned.”

¹ [Day 241/16](#)

² [Day 241/28](#)

9.630 He also said that he did not believe that the risk of firing was discussed and accepted at the conference and that he did not agree with the source’s suggestion that “*everyone wanted to show that 8 Brigade knew how to go after the hooligans*”, even if that involved shooting.¹

¹ [Day 241/28](#)

9.631 Colonel Welsh had a limited recollection of the meeting but said that he would be very surprised if the source’s description of the mood of the meeting were correct.¹

¹ [Day 282/32](#)

9.632 Captain INQ 1803, the Brigade Intelligence and Security Officer, told this Inquiry:¹

“... there was a determination to make sure that the march as such could not go into the city area, the sort of central city area, Waterloo Place and so on, but I do not have any sort of impression that a major arrest operation was an essential ingredient of the whole plan.”

¹ [Day 293/33-34](#)

9.633 Colonel Ferguson’s evidence to this Inquiry was that he could not recall any discussion about the proposed number of arrests. When asked about the suggestion in the draft article that 8th Infantry Brigade wanted to show that it could tackle hooligans, even at the risk of shooting, Colonel Ferguson said:¹

“... I am sure in people’s minds – and certainly in my mind – that perhaps we were pleased to see that we were being given significant reinforcements in order to do something positive, particularly if there was hooliganism after the march. But the way it is written ... I mean there was no such expression of opinion at the orders group.”

¹ [Day 281/56-57](#)

9.634 Colonel Ferguson suggested that the description in the draft article of the discussion of the risk of firing might be an inaccurate reference to a topic that he had raised at the co-ordinating conference.¹ In his written statement to this Inquiry he gave the following account of this issue, which he said that he had raised at the end of the meeting:²

“... in view of the situation in Londonderry at that time, I thought it was likely that at some stage during the proceedings there would be shooting. In these circumstances, and in a built up area, it would be very difficult for individual soldiers to know who was shooting and from where. One shot was all that it might take for everyone to believe that they were coming under fire. It, therefore, seemed sensible to me to ask if there were any plans to modify the rules of engagement. By that, I meant the rules of engagement being modified downwards, perhaps to the extent that at the outset, decisions to open fire would be reserved to officers. I did not develop this idea in my question but this was what I had in mind. The response to my question was negative.”

¹ Day 281/56

² B1122.11-12

9.635 In his oral evidence to this Inquiry, Colonel Ferguson gave additional details on the sort of shooting that he had had in mind and said that he had believed such shooting to be a “possibility”:¹

“In my mind I am pretty certain of this, was that there always had been extremists in Irish politics, on both sides of the political divide, who might not be under control of their various organisations, who might well just take the occasion to come out and take a pot-shot at someone. That was what I mean, it was the sort of situation I envisaged might occur. Someone either deliberately doing it in order to create a difficult association [sic] or just someone having a shot, and this could have been either someone from the Unionist organisations or from the IRA.

... though elements of the civil rights organisation and the IRA might have similar long-term objectives i.e. the creation of a Republic of all Ireland, it would have seemed to me that it was not in the interest of that general objective for the IRA to be involved at all. It was, in fact, against their interests because they would be, as it were, taking away from the legitimacy ... of the civil rights organisation who were, after all, protesting against internment. So I suppose that was why I thought that the two things would be separate and it would not be in the IRA’s interest to be involved. That is why I said at the beginning that the image in my mind was the renegade, perhaps old-fashioned, Official IRA man just coming out to have a pot-shot at someone.”

¹ Day 281/49-51

9.636 Colonel Ferguson may be right in his recollection, but none of those who were present at the conference and were asked about it (Colonel Jackson, Colonel Welsh and Captain INQ 1803) recalled him saying anything about modifying the rules of engagement.¹

¹ [Day 287/7](#); [Day 282/29](#); [Day 293/31-32](#)

9.637 We cannot determine the identity of the source for the draft *Sunday Times* article. There is no evidence that would enable us to do so. Further, we are not persuaded that the source provided an accurate account to the *Sunday Times* Insight Team. It seems unlikely to us that Brigadier MacLellan would have mentioned a target of 500 arrests. The report that “*Even if it meant shooting, everyone wanted to show that 8 Infantry Brigade knew how to go after the hooligans*”¹ is particularly surprising, because we know that the local commanders of 8th Infantry Brigade were upset that they were not allowed to go after hooligans and that 1 PARA were doing the job instead. We find that the meeting, far from being concentrated on the arrest operation, was in the main devoted to the need for the handling of the march to be as low key as possible. We regarded John Barry as an impressive witness but believe that the source provided the Insight Team with a distorted account.

¹ [Day 281/55](#)

Lieutenant Colonel Wilford’s interview with Peter Taylor

9.638 In 1991, the journalist Peter Taylor began work on a programme entitled *Remember Bloody Sunday*. The film was compiled to mark the 20th anniversary of Bloody Sunday and was broadcast as a Channel 4 *Inside Story Special* on 28th January 1992.

9.639 Colonel Wilford gave an interview to Peter Taylor for the purposes of the programme. In his interview, Colonel Wilford claimed that he had asked, “*What happens if there is shooting?*” and had received a “*very sparse reply to the effect that – ‘Oh well we’ll deal with that when it comes’*.”¹ Colonel Wilford went on to say to Peter Taylor:²

“It’s my greatest regret that I didn’t actually pursue that question and say ‘right you know what – what do you want us to do if we’re shot at?’”

¹ [X1.9.15](#)

² [X1.9.16](#)

9.640 Neither Brigadier MacLellan nor Colonel Steele, in their evidence to this Inquiry, recalled Colonel Wilford asking such a question. Both said they thought that it was clear that the Yellow Card governed such situations.¹

¹ [Day 262/3](#); [Day 267/2](#)

9.641 In an interview in 1997 for Channel 4 News Colonel Wilford gave a similar account, although he then said that when he had asked at the co-ordinating conference, “*if this arrest operation turns into a shooting match, what do we do then?*” his question was dismissed and he was given the reply, “*Oh well, that completely changes the situation.*”¹

¹ [X1.35.11](#)

9.642 In his first draft statement for the Widgery Inquiry, Colonel Wilford said that he had attended the co-ordinating conference and that it had been stated there that “*If firing was directed at the troops the situation would demand counter action as necessary*”.¹ In his evidence to this Inquiry, Colonel Wilford told us that the exchange that he had reported to Peter Taylor had clearly not taken place.² He said that he had perhaps given the account after reflecting over the years on “*what might have been*”.³

¹ [B945](#)

³ [Day 312/30](#)

² [Day 312/30](#)

9.643 In his 1997 Channel 4 interview, Colonel Wilford also said:¹

“At the briefing that we all got I was very, I was disturbed because I felt that the Brigade, and the people in that Brigade – that is the soldiers and the RUC, I may say – who were up there in Londonderry were not, were not at all happy about what we were being asked to do. I just felt that there was a pacifist sort of attitude, but this perhaps was born of something which I wasn’t aware of, you know. If you have a policy you actually eventually of course take on the colour of that policy, whether it’s the soldiers or policemen, and this might have been it. But it was an unhappy experience. Right from the very beginning, I felt that, that they didn’t want to do what they were being asked to do.”

¹ [X1.35.5](#)

9.644 In his oral evidence to this Inquiry, Colonel Wilford said that he had spent many years thinking about the events of the day and that “*these impressions perhaps had grown, perhaps ridiculously, out of proportion*” in his mind. He said that he had certainly not had in January 1972 the thoughts that he later reported to Channel 4.¹ Although he said this, we obtained the overall impression, from the evidence of the co-ordinating conference and from Colonel Wilford’s comments over the years, that Colonel Wilford held the same view as that of General Ford – that 8th Infantry Brigade was operating in a low-key manner which was not one of which he approved.

¹ [Day 312/33](#)

The aftermath of the co-ordinating conference

- 9.645** Both Colonel Jackson of 1 R ANGLIAN and Colonel Welsh of 2 RGJ were unhappy with the situation as it was at the end of the conference. Colonel Jackson told this Inquiry in a passage (already quoted above in part) that:¹

“... nothing came out of that co-ordinating conference to say how the scoop-up operation would be carried out ... nothing on that conference gave any idea of what was going to happen ... it was not really explained whether this was a scoop operation or, as it happened to be in the end, was merely a frontal assault.”

¹ [Day 285/44-45](#)

- 9.646** He was questioned further:¹

“LORD SAVILLE: I follow that, but I was just reminding you the brigade order does mention the possibility the arrest operation would be mounted on these two axes here.

A. But other troops other than the Para would have been involved, and this is the co-ordination, in retrospect, that I do not think was shown. I mean, they were going through blocking positions with RGJ, 22 Light Air Defence regiment, and things like that ... I do not think, in retrospect, we were told sufficient about what the scoop-up operation was about.”

¹ [Day 285/45-46](#)

- 9.647** As Colonel Jackson himself indicated, he was speaking with the benefit of hindsight. In our view, neither Colonel Wilford nor indeed Brigadier MacLellan can be criticised for not raising or dealing in any detail with Colonel Wilford’s proposed arrest operation. It seems to us, without using hindsight, that it was sufficient for the Brigadier to leave the arrest operation to be considered in detail by Colonel Wilford, himself a senior officer. It must be borne in mind that at this stage no arrest operation could be planned in great detail since everything depended on the circumstances in which any rioting developed on the day. However, as we have already said, it seems to us that Colonel Wilford can be criticised for not discussing the proposed arrest operation with the local senior officers. Although the exact form any operation would take would depend on how events unfolded on the day, he could, and in our view should, have discussed his provisional plan with them; and made clear that if any arrest operation took place he might well need to go through at least one of the barriers manned by the local troops at short or very short notice.

9.648 After the co-ordinating conference, Colonel Jackson had a brief meeting, at his request, with Brigadier MacLellan. The issue he raised was not one of a lack of co-ordination or information about the scoop-up operation. His concern was the choice of 1 PARA to conduct the arrest operation. He gave the following account in his first written statement to this Inquiry:¹

“37. I was surprised that 1 Para had been nominated to be ‘in reserve and available for a scoop up operation to be carried out on foot’ (sic). 1 Para did not know the area and had not operated in the Bogside before. Also, everyone was aware that the Paras had a reputation for tough action and the citizens and hooligans of Londonderry would be greatly surprised if Belfast arrest procedures were carried out on them. I just wondered who had thought out this deployment: it reflected a change of policy – and emphasis – on future operations in Londonderry.

38. I cannot remember asking any questions of Brigadier MacLellan at the meeting: I could hardly wait to speak to him privately after the meeting ...

39. ... I cannot recall discussing the orders afterwards with Lieutenant Colonel Peter Welsh (2 RGJ) although my impression was that he was not happy about the presence of 1 Para in Londonderry on the following Sunday.

40. Immediately after the O Group, I asked Brigadier MacLellan if I could speak with him in his office. There was no-one else present and the meeting lasted a few minutes. I told him that 1 Para should not be used in Londonderry: they did not know the area and would go in blind. I said that I should be given the role of 1 Para and they could take over the blocking role allocated to 1R ANGLIAN and that this would be more acceptable all round. (As the Province Reserve battalion, the Paras had operated in all areas of the Province other than Londonderry. From my understanding, they seldom operated for any length of time as we resident battalions in Londonderry ... Derry and Belfast were as different as chalk and cheese, and our job in Derry at the time was to maintain a containment line, albeit in an aggressive manner, which was so different to the role required of units in Belfast).

41. Brigadier MacLellan told me that the decision to employ 1 Para had been made ‘at the highest level’ and he was not in a position to change anything. He said ‘it was not for me to fight the case’. He gave me the strong impression that it was not his decision to use 1 Para for this operation. I understood his reference to ‘the highest level’ to mean that the decision had been taken at Government level as, in my opinion, no

military commander would place a battalion in a situation where the troops did not know the ground over which they may be required to deploy nor have knowledge of any local 'conditions'.

42. Brigadier MacLellan was obviously in a no win situation. With his short experience of operations in Londonderry he had, in my opinion, been sat upon by those, also, with little knowledge of Londonderry. I asked that my views should be relayed immediately to HQ Northern Ireland. I do not know if this was ever done. After I left this meeting, I also spoke with the Brigade Major and told him of my conversation with Brigadier MacLellan. He sympathised but said nothing could be done to change the orders. I asked Lieutenant Colonel Steele to contact Lieutenant Colonel Wilford to say I would be available for any information or advice he may need for his operation. I do not know if Lieutenant Colonel Steele ever relayed my offer, but Lieutenant Colonel Wilford did not contact me before, on, or after 30 January 1972."

¹ [CJ2.8-9](#)

9.649 Brigadier MacLellan, in his oral evidence to this Inquiry, said that he did not recall this meeting with Colonel Jackson. He added:¹

"... the way the Army works is lieutenant colonels do not question legal orders, so to speak, from superior officers. So I think I would have remembered if it had happened, but I do not remember it."

¹ [Day 262/12](#)

9.650 We consider it likely that Colonel Jackson did go to Brigadier MacLellan and that he asked that his battalion should do the arrest operation. We accept that the Brigadier probably replied that the choice of 1 PARA had been made at the highest level and that he, Brigadier MacLellan, could not change that, though by the "*highest level*" Brigadier MacLellan would have been referring to the decision made by General Ford. We take the view that Colonel Jackson was not questioning legal orders in the sense of disputing them; he was just asking whether his men could do the job instead of 1 PARA and suggesting that they, with their local knowledge, would be better for the job. He accepted without demur Brigadier MacLellan's reply that this could not be done.

9.651 Colonel Steele also did not recall Colonel Jackson having spoken to him after the co-ordinating conference in the way described by the latter.¹ It seems to us more likely than not, although we cannot be certain, that Colonel Jackson did ask Colonel Steele to tell Colonel Wilford that he was available for any information or advice he might need for the arrest operation, and that, over the years, Colonel Steele forgot about the incident.

¹ [Day 268/170-171](#)

9.652 In his statement to this Inquiry, Colonel Welsh said:¹

“11. I was disappointed that my Battalion did not have a role, for we did know the ground well. We were trying to do the best we could to get on with the Catholic population and perhaps there was a feeling that the troublemakers were being dealt with in a tougher fashion in Belfast than in Derry. This may have been one of the reasons why the Parachute Regiment was brought in.

...

13. ... I can recall that at some stage I telephoned [Brigadier MacLellan] to ask why the Royal Green Jackets could not take a more active role and his reply to me was ‘No, Peter. I have had my orders.’ I left it at that.”

¹ [B1340.002](#)

9.653 In his book *Provos: The IRA and Sinn Fein*,¹ Peter Taylor wrote:²

“Once again, One Para was to be brought in from Belfast. Not all army officers thought it a good idea, given what had happened at Magilligan the weekend before. One of the Royal Green Jackets’ senior officers had phoned the Brigade Commander, Brigadier Robert MacLellan, to say it was ‘mad’ to bring the Paras in, only to be told by the Brigadier that he had his orders and he was going to carry them out.”

¹ *Provos: The IRA and Sinn Fein*, 1998 paperback edition, London: Bloomsbury, 1998, first published 1997

² [T234](#)

9.654 Colonel Welsh accepted that he had given this information to Peter Taylor and said that he had done so about 20 years after the event.¹ He also told this Inquiry that he would never have spoken to Brigadier MacLellan in such terms and suggested that he had exaggerated when he recounted events to Peter Taylor.² He said that he did not think that the use of the Paras was “*mad*” and added:³

“I thought it possibly unwise after their behaviour at Magilligan, and anyway I wanted the job.”

¹ Day 282/37

³ Day 282/38

² Day 282/35-37

9.655 We accept that Colonel Welsh exaggerated when speaking to Peter Taylor and that he would not have spoken to Brigadier MacLellan in those terms, whatever his private view.

9.656 We believe that the primary concern expressed by Colonel Welsh to Brigadier MacLellan was, as he indicated in his statement to this Inquiry,¹ that his own battalion did not have a greater role. His dissatisfaction that the arrest role had been given to 1 PARA and not to his battalion is reflected in the evidence of Colonel Ramsbotham, who said:²

“... I think – and the background to this too – 2 RGJ had been operating in Londonderry for some time and I think, inevitably, if you are in a place and you feel you know it and there is a difficult task coming up, then you naturally would like to be given that task and I think the people in Londonderry, if it had been possible, would have liked to have been able to do all this themselves, but it was not possible, because they just were too few.”

¹ B1340.002

² Day 254/123

9.657 Colonel Ferguson said in his oral evidence to this Inquiry that he knew that Colonel Welsh had gone to Brigadier MacLellan in order to dissuade him from using 1 PARA on 30th January 1972. He had learned of this either from Colonel Welsh or from another RGJ officer. He did not know the Brigadier’s response.¹

¹ Day 281/46

9.658 From the foregoing evidence, we have concluded that there was uneasiness at the co-ordinating conference, although it was not expressed openly, about the use of 1 PARA as the arrest force. It arose for a number of reasons: the reputation of 1 PARA as a hard force; the difference in Army tactics between Londonderry and Belfast; the altercation involving C Company of 1 PARA the previous week at Magilligan Strand; the natural desire of the resident battalions to have the task; resentment that an outside force was being brought in; and, perhaps, the nomination of the arrest force by General Ford at HQNI.

Receipt of further intelligence on 28th January 1972

- 9.659** We have made reference above to the note made on 31st January 1972 by Julian, the Security Service officer, summarising the information given to him by Observer C on 26th January. In paragraph 8 of that note Julian wrote:¹

“8. On Friday, 28th January Observer D telephoned to say that the 30th Jan march was to start at 14.00 hours and that many outsiders were expected to attend, including a number from the Falls and Ardoyne districts of Belfast. They were leaving from these areas at 10.00 by bus. He also mentioned that the names of three other people expected to speak at the meeting were a Padre from Trinity College, Dublin; Margo COLLINS from Newry and Ivan COOPER.”

¹ KJ4.70

- 9.660** Brigadier MacLellan’s notes for the co-ordinating conference referred to “*Contingents from Belfast*” and recorded:¹

“Likely considerable number of buses and private cars from throughout Province for Meeting.”

¹ G88.538

- 9.661** The reference to “*Contingents from Belfast*” may indicate that this intelligence was received before the co-ordinating conference took place, but we are not sure whether this was the case.

The Army and Royal Ulster Constabulary statement

- 9.662** On 28th January 1972 a joint Army and RUC statement was drawn up for release the following morning. This warned of the illegality and dangers of the proposed march and incorporated some of the suggestions contained in the telegram sent from Donald Maitland to Clifford Hill earlier that day.¹ The statement was as follows:²

“In Northern Ireland there is now a Government ban on all marches and the Security Forces have a duty to take action against those who set out to break the law. The Police have brought prosecutions against persons identified as organisers or taking part in such marches. Since Christmas fourteen summonses have been issued and a further seventy prosecutions are under consideration. In carrying out their duty the Security Forces are concerned to avoid or reduce to an absolute minimum the consequences of any violence that may erupt from the confrontation between sections of the community or between the Security Forces and those taking part, in illegal march. The Security Forces choose the time and the place at which to intervene and its policy, which is clearly in the public interest allows the possibility that marches may in some cases proceed for some distance before being stopped. This does not however, mean that participants will be allowed to break the law with impunity. Experience this year has already shown that attempted marches often end in violence that must have been foreseen by the organisers, and clearly the responsibility for this violence and the consequences of it must rest fairly and squarely on the shoulders of those who encourage people to break the law.”

¹ [G93.556](#)

² [G103.620](#)

Battalion Orders Groups

9.663 Following the co-ordinating conference, the battalions each held their own Orders Groups.

9.664 The Orders Group of 22 Lt AD Regt was held at 1830 hours on Friday 28th January 1972. It was probably attended by the Commanders of 53 Battery and 11 Battery of 22 Lt AD Regt and also by the Commanders of D Company of 1 PARA and A Company of 2 RGJ, since the latter two of these companies were to be under the command of 22 Lt AD Regt on the day of the march.¹ The second in command, together with Captain INQ 406, the 22 Lt AD Regt Operations Officer, compiled Confirmatory Notes, which summarised the orders given by Colonel Ferguson at that Orders Group.² These notes have survived.³

¹ [Day 274/20](#)

³ [G89.540](#)

² [Day 274/19](#)

9.665 The Confirmatory Notes include the following entries:¹

"1. GEN SIT As given verbally by CO incl particularly:

- a. Emphasis on low key throughout.
- b. Media will be out in force and looking for contentious material
- c. Outcome of this weekend could have very long term effects on the campaign.
- d. The threat from hooligans, gunmen, bombers and arsonists remains unchanged.
- e. Propaganda war.

2. MISSION To contain any march on 30 Jan, together with any accompanying rioting, within the Bogside and Creggan areas of the City within the regt bdrys.

3. EXECUTION

...

b.(2) Dispersal of marchers

(a) [Illegible]

(b) Initial low key

(c) Crowd must be given time to react.

(d) Security Forces to take no action against marchers until:

i. Attempt is made to breach blocking points.

ii. Violence against security forces takes place."

¹ [G89.540](#)

9.666 1 R ANGLIAN held its Orders Group at 1000 hours on Saturday 29th January 1972. The Confirmatory Notes of the Orders Group have again survived.¹

¹ [G96.581](#)

9.667 These notes also stated that the march was to be handled in as low key a manner as possible for as long as possible and that no action was to be taken against the marchers unless there were attempts to breach a blocking position or violence was offered to the security forces.¹

¹ [G96.582](#)

9.668 Notes for the Orders Groups of 1 CG and 2 RGJ have not survived. However, the Inquiry was able to obtain the notes of the Platoon Orders Group of 3 Platoon A Company 2 RGJ. This platoon was to be under the command of 22 Lt AD Regt on 30th January 1972 and was to man a barrier (known as Barrier 16) at Castle Gate on the eastern boundary of the Bogside. The notes were those of the Platoon Commander, Second Lieutenant 136, although his evidence was that some of the material in them might have come from his Company Commander.¹

¹ [Day 345/87-90](#)

9.669 The notes included the following:¹

“Position of S.F. [Security Forces]:

a. General Harry has said that this march could be the most crucial event in the Ulster crisis. If the Civil Rights people start the aggro their cause will lose credibility. If we start it we’ll probably cause a major flareup all over N. Ireland.

b. S.F. must be strictly controlled. The Right behaviour is very important. NO repeat of Magilligan.

c. T.V. will be out in force looking for brutality.

d. IRA must not be allowed to make propaganda out of this.

e. Emphasis is low key.

f. A Coy 2 RGJ has the most important job in the Bde, we have been selected by Bde as the most reliable coy. The march will converge on us. We are representing the whole bloody army at this point.”

¹ [G95C.580.7](#)

9.670 In his oral evidence to this Inquiry, Second Lieutenant 136 said that he could not recall the reason for which he had written his note about Magilligan, at which he had not been present. However, he thought it probable that his Company Commander had taken the view that the security forces had reacted harshly on the day.¹

¹ [Day 345/88](#)

1 PARA's Battalion Orders Group

9.671 This took place at 1030 hours on 29th January 1972.¹ It lasted until 1215 hours.² The Orders Group was attended by:³

- Colonel Wilford
- Major Norman Nichols, the Second in Command
- Captain Mike Jackson, the Adjutant
- Major INQ 10, the Commander of A Company
- Major 221A, the Commander of C Company
- Major INQ 1350, the Commander of D Company
- Major Loden, the Commander of Support Company
- Captain 200, the Commander of Administrative Company
- Captain INQ 7, the Intelligence Officer
- Captain INQ 2033, the Signals Officer
- Captain INQ 1853, the Transport Officer
- Captain 219, the Medical Officer
- Major UNK 30, the Quartermaster
- Warrant Officer Class I INQ 2037, the Regimental Sergeant Major
- Sergeant INQ 301, the Provost Sergeant.

¹ B945

³ B1110.027; B2022.001; B2216; B1283

² B947

9.672 Colonel Wilford's manuscript notes for the meeting have survived.¹ A typed-up version is reproduced in full below:²

"1. Situation

- a. Bde Op O.
- b. Appreciation.
- c. Bde Plan.

2. Mission. The Bn is to arrest max no of rioters.

3. Execution

a. Gen Outline. The bn is to mov to Londonderry via Drumahoe, taking up its posn in Foyle College Car Park by 1300. D Coy is det under comd 22 Lt AD Regt. If the march takes place and confrontation becomes hostile the Bn will deploy fwd to break up the rioters and make the max no of arrests. At this stage I cannot give a detailed tactical plan. I will give the coy deployment in our FUP and then give my concept of how I think the battle can go.

b. A Coy

- (1) Gp Normal.
- (2) FUP Springham St.

c. C Coy

- (1) Gp Normal.
- (2) FUP Foyle College Car Park.

d. Sp Coy

- (1) Gp one pl business³ force (aslt pnrs).
- (2) FUP Clarence Avenue.

e. D Coy

- (1) Gp Normal.
- (2) Under comd 22 Lt. Expect to have them in area Little James St.

f. RMP

(1) FUP with Tac in Foyle Car Park.

(2) Move fwd on order to area Great James Street.

g. Concept of the battle.

(1) The parade will come into contact with SF Barricades at William Street. There are two approaches.

First. From Rossville. This will cause the crowd to attempt a bypass through to Waterloo Street. In this event I would want to put a coy down the Strand into Waterloo Street and two coys in William Street from Lower Road and the Presbyterian Church.

Second. From William Street. We can take this the same way except this time putting two coys in from the Church.

You will appreciate that much will depend on the view I can get of the crowd and once you get the order to move you will have to move fast. I shall probably bring you forward in anticipation.

Minor Tactics. Speak of Derry Rioters. Background Gas & bullets.

h. Coord Instrs

(1) Timings

(a) In posn by 1300.

(b) Mov plan to Derry.

(c) Length of Op. Plan on 48 hrs.

(2) Arrest Procedure.

The arrest team of RMP with RSM and Paddy Wagon and escort with move fwd to a loc in Great James Street. Normal arrest procedure then take prisoners and documentation to Fort George or Craigavon Br (sit).

4. Logistics.

- a. B'fast.
- b. Main meal at Ech Drumahoe. QM and team in posn.
- c. During action. Combat rats.
- d. Meal fwd in evening on demand.

5. Comd & Siga. HQ Tac

(1) Foyle Car Park.

(2) B9 mobile.

b. Sig instrs, as issued (RSO)

MOVE, MOVE, MOVE!"

¹ B968.1

² G94.562-3

³ The typist wrote "*business*" in error. The word "*Guinness*" appears in the manuscript notes (B968.2). "*Aslt pnrs*" is an abbreviation for "*assault pioneers*". "*Coy*" is an abbreviation for "*Company*".

9.673

Colonel Wilford's evidence was that he created these notes before the Orders Group and for use at it.¹ He recalled having a map with him for use in explaining his plan but did not recall having any other aids.² It does appear, though, from the written statement of Captain 200 for the Widgery Inquiry, that aerial photographs were available at the company-level Orders Groups that followed.³ Both Colonel Wilford⁴ and Major Loden⁵ confirmed to this Inquiry that the briefing given by Colonel Wilford about his plans was only in general terms.

¹ Day 312/36

² Day 312/38

³ B1984; B2001

⁴ Day 312/44

⁵ Day 342/9

9.674

In his first statement for the Widgery Inquiry, Colonel Wilford recorded that at his Orders Group he went through the Brigade Operation Order in detail to ensure that all understood "*the Situation the Mission and Execution*".¹ The Brigade Operation Order, under the heading "*Execution*", contained the provision that the march was to be handled in as low key a manner as possible and that no action was to be taken against the marchers unless they attempted to breach blocking positions or offered violence to the security forces.²

¹ B945

² G95.567

9.675 Colonel Wilford also told the Widgery Inquiry that he had conveyed to his officers his understanding that the operation was to be “*low key*”.¹ Major Loden, in his first statement for the Widgery Inquiry, said that he was told at the Orders Group that the battalion was to be used to arrest rioters or those who attacked the security forces but that the battalion would only be deployed when ordered. He stated, “*It was clearly understood that the peaceful element of the march was to be left undist[ur]bed.*”² In his oral evidence to the Widgery Inquiry he said that those attending the Orders Group were told that the operation “*was to be played in the lowest possible key to start off with*” and “*was only to get into a higher key if a riot broke out*”. He then added:³

“We were quite clear that on no account were peaceful marchers to be interfered with.”

¹ B1012

³ B2245

² B2216

9.676 Major Loden, in his first statement for the Widgery Inquiry, recorded that, to his recollection, at no time was the question of opening fire discussed. However, he was of the view that the Yellow Card applied and that any discussion would only have confirmed this.¹ Colonel Wilford’s oral evidence to the Widgery Inquiry was unclear on this point:²

“Q. Did you yourself when you had the ‘O’ Group on the 29th January say anything about the possibility of the troops coming under fire?”

A. I believed that there was a possibility that we would come under fire, yes.”

¹ B2217

² B1017

9.677 Major Loden told the Widgery Inquiry that the Rossville Flats were mentioned at the Orders Group as a place from which sniper fire might come.¹

¹ WT12.35

9.678 Captain 200 told the Widgery Inquiry that he had been told at a briefing of the risk that his soldiers might come under fire if they entered the Bogside.¹ The briefing in question must have been either the battalion Orders Group or Major Loden’s company Orders Group which took place later on the same day. He told this Inquiry that he remembered the battalion Orders Group “*reasonably well*”² and gave the following evidence about it:³

“The purpose of [the battalion Orders Group] was to allow the Commanding Officer to give an outline of what was likely to happen ... It was made clear to us that due to the ongoing situation in Londonderry and in particular due to the existence of no go areas,

we were to expect IRA ambushes and were to prepare for IRA gunmen. We knew that NICRA had organised a large march and that there would be a large hooligan element. Our job was to arrest as many of these hooligans as possible. There was no exaggeration or hype.

Colonel Wilford's briefing could only contain so much detail about deployment. In order to maintain the maximum possible flexibility the orders were not too rigid in this respect and in effect much would not be decided until we had actually arrived in Londonderry. However, Colonel Wilford's orders were very good and very thorough, as was usually the case. We would have been fully briefed about communications, administration and timings and I would say that the briefing lasted somewhere between half an hour and an hour."

¹ WT15.48-49

³ B2022.002

² B2022.001

9.679

The recollection of Captain Jackson, the Adjutant, was that he was told at the briefing that "*some sort of violent reaction was possible, perhaps probable on the IRA's part*".¹ In his written statement to this Inquiry he told us:²

"25. There was concern about the containment line following the lines of the barricades. We believed there would be a reaction out of the IRA because we would be 'invading their turf' when going in for the arrest operation. We therefore had an expectation of IRA activity. There was a large 'no go' area and I can recall seeing maps with the so called containment line marked on them. Beyond those lines the security forces simply did not go. It was known that firefights were common in Londonderry as they were in Belfast. If I remember rightly a policeman had been shot on the Thursday before we went in.

26. We could never rule out the fact that we might be shot at – any time, any place. The IRA were good at ambushes. These could take place anywhere at any time and it would be foolhardy in the extreme to assume that you would not be shot at. It would have been foolish militarily to accept any IRA assurances that they would not be on the march, if any such assurances were given. They would say anything for their cause. It would have been foolish to have been lulled into a false sense of security. It was a fundamental principle that we had to be prepared to be attacked at any time."

¹ Day 318/16

² CJ1.3

9.680 The Regimental Sergeant Major, Warrant Officer Class I INQ 2037, who was the most senior non-commissioned officer of 1 PARA, gave the following evidence to this Inquiry about the information given at the battalion Orders Group:¹

“3... We were told it was an illegal march and Derek Wilford highlighted that there was a ‘no go’ area in Londonderry. He also mentioned that there was a strong Republican presence. Derek Wilford was quite a mild guy and there was certainly no ‘gung ho’ talk at the briefing.

4. INQ 7 [the Intelligence Officer] was also at the briefing. He gave details about the known IRA structure in Londonderry which was well developed because it had been in place for a while. He did not say that we would come under fire but as with any high rise flats, the Rossville Flats were seen as potential sniper positions. There was always the possibility of sniper fire wherever we were in Northern Ireland. However, because the Civil Rights march was to be a big high profile crowd we thought that there would be few opportunities for fire. We knew that people such as Lord Russell of Liverpool and Bernadette Devlin were due to be there.”

¹ [C2037.1](#)

9.681 Colonel Wilford’s evidence was to the effect that no indication was given to his soldiers, either at this Orders Group or at all, that they should seek to engage with or draw out the IRA.¹ We accept this evidence; in our view, although he was keen on the arrest operation, there is nothing to suggest that he had in mind the idea of actively encouraging the IRA out so that his soldiers could engage them. However, this did not mean that if his soldiers came under attack from republican paramilitaries they should withdraw rather than adopt their usual response of returning fire, a matter we consider elsewhere in this report.²

¹ [Day 312/44-45](#)

² [Paragraphs 171.30–36](#)

9.682 Colonel Wilford told the Widgery Inquiry that he had explained at the Orders Group that he would watch the march from a forward position and might bring his “*Company*” [sic] forward early. He accepted that Brigade orders did not permit him to bring his men forward of the barriers without further order; he then said that he had “*personally*” taken the decision that he might need to have “*one or two people forward of the line where I was to be in order to get some observation*”. At that stage he had anticipated that he would be in the area of the Presbyterian church, observing events.¹

¹ [WT11/39](#)

9.683 In his first statement for the Widgery Inquiry, Colonel Wilford recorded that he had explained at the Orders Group that it was not really possible for him to be specific in his plans until the rioting started and so he had given a general idea of how he thought events would go. He had recognised that there were two routes that the marchers might take: one would bring them from the south along Rossville Street, with possible filters through Magazine Street and Waterloo Street, and the second would bring them from the west along William Street. He stated that he had decided that if the first route were used, then two companies would deploy from the north and one from the east in order to “*pinch them out from a retreat West and South*”. If the second route were used, he had anticipated that violence would spread westwards from the William Street barrier. He had decided in that case that he would put in two companies together from behind the Presbyterian church “*to get the maximum impact and achieve mutual support*”. He added, “*I confidently expected to move the companies forward to jump off points*”.¹

¹ [B945-6](#)

9.684 In his oral evidence to this Inquiry, Colonel Wilford could not recall the detail of the two alternative plans described in his notes; however, he said he was certain that he was contemplating in each case a pincer movement by his troops, involving the soldiers getting behind the rioters.¹ He recalled that his original plan, assuming that the marchers came down William Street, was for one company to go through Barrier 14 and for Support Company to cut the rioters off by going over the wall of the Presbyterian church and approaching the rioters from the west.² He said that he knew nothing of any plan to drive a Pig (an APC) through the wall of the church.³

¹ [Day 312/41](#)

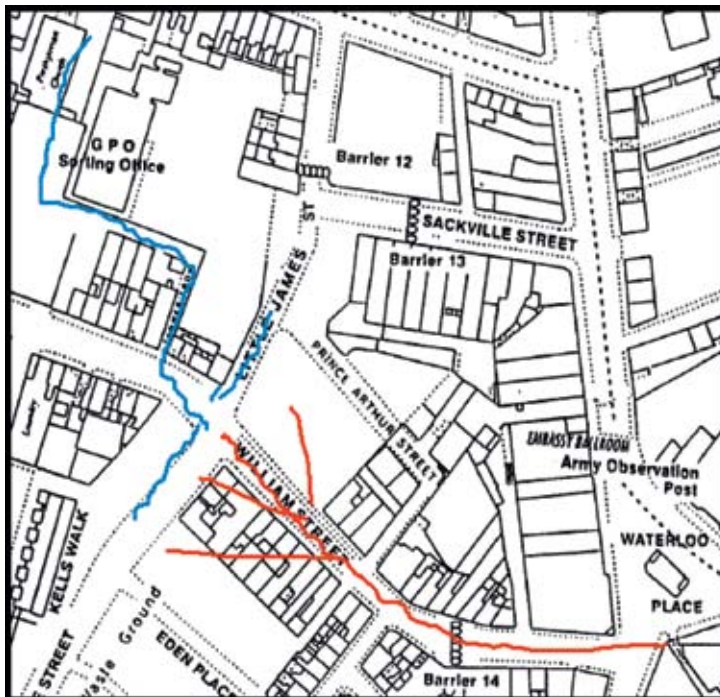
³ [Day 312/53-54](#)

² [Day 312/53](#)

9.685 Colonel Wilford told this Inquiry that, if the marchers came down William Street, he had anticipated being able to get behind them by putting a company through the Presbyterian church, using a concealed route. He had thought that they would be able to reach Aggro Corner “*without being seen overmuch*” and cut off rioters at Barriers 12 and 14.¹ The route that he had expected the soldiers to use is shown in blue on the map below. The red line shows the proposed route of soldiers coming through Barrier 14, driving the rioters towards the soldiers at the junction of Little James Street and William Street.²

¹ [Day 312/42-44](#)

² [B1110.241](#)



9.686 At that stage, neither Colonel Wilford nor anyone else from 1 PARA had examined the ground on foot. Colonel Wilford said that he had assumed from his observation from one of the buildings that concealed access was possible.¹ In fact, it seems that any form of access along the proposed route would have been extremely difficult. We return to this matter later in this report,² when considering the events of the day itself.

¹ Day 312/44

² Chapter 12

9.687 Colonel Wilford's oral evidence to this Inquiry was that timing and speed were of the essence for his plan to succeed. He agreed that it would be very important for the troops coming in from the west to arrive at the junction before soldiers coming through Barrier 14 had driven the rioters westwards. He said that it was his responsibility to co-ordinate the approaches of the two companies.¹

¹ Day 314/55

9.688 At this stage 1 PARA, like HQNI and 8th Infantry Brigade, had no detailed plan for dealing with rioters. The security forces did not and could not know how the arrests would be conducted. They could not have a detailed plan. They could only work on the basis that there were two areas in which trouble was likely. Colonel Wilford's task was so to dispose his troops that he would have a good chance of arresting rioters in one or both of these areas or in some entirely different location.

9.689 We have referred above to Colonel Wilford's evidence to the effect that he was unaware that it was important to Brigadier MacLellan that rioters were separated from marchers before arrests were carried out.¹ None of those present at the 1 PARA battalion Orders Group who gave evidence to this Inquiry said that the need for separation was discussed. Although it is possible that, as Major Loden said in his written statement for and oral evidence to the Widgery Inquiry, Colonel Wilford emphasised the need not to target innocent marchers,² we are not convinced that this was the case.

¹ [Day 312/60](#)

² [B2216; WT12/3](#)

9.690 Although, as can be seen above, Colonel Wilford's plan at the stage of his Orders Group was to go through the Presbyterian church, he insisted in his evidence that he had in mind using troops through Barrier 12 as an alternative. In addition, his evidence was that he did not give specific instructions about the distance that his men should cover when attempting to make arrests. He said that this was unnecessary since his troops knew that they usually worked in an area of about 200 yards square. The conduct of an arrest operation within this sort of area was, according to him, virtually a standard operating procedure.¹ We consider this aspect of Colonel Wilford's evidence in detail later in this report.²

¹ [Day 312/62-63](#)

² [Chapters 12 and 20](#)

The use of vehicles

9.691 Colonel Wilford told this Inquiry that, although his initial plan had envisaged the soldiers going in on foot, he would have expected their vehicles to follow them as back up. He had no recollection, though, of having discussed this with his Company Commanders.¹

¹ [Day 314/56](#)

9.692 In his supplementary statement for the Widgery Inquiry, Major Loden, speaking of events at and after 1600 hours on 30th January, stated:¹

"The Commanding Officer had previously told me that I might have to go out to carry out the arrest operations through any of the barriers and I had previously reconnoitred them all.

We moved in vehicles. I had expected to carry out the arrest operation from vehicles unless to do so was physically impossible, as it would have been if we had had to come through by the sides of the Presbyterian Church. We did examine whether the vehicles could be got through this way, but it could not be done."

¹ [B2241](#)

9.693 In his oral evidence to the Widgery Inquiry, Major Loden said:¹

“... when the C.O. gave his ‘O’ Group on the Saturday before, although it was thought that the march would take place on a route, we did not know where the march would go. Nor did we know where rioting would, if it did, take place: and we were told that we could go through any of these barriers, and therefore whatever ground the operation had to take place on, it was true to say that it would be left to my discretion, but I was not particularly told that I would go down Rossville Street.”

¹ [WT12.35](#)

9.694 It appears from this evidence that Colonel Wilford did not state at the Orders Group that the Brigade Order anticipated that the arrest operation would take place on foot. There was certainly no prohibition on using vehicles. Major Loden appears to have envisaged at all times that the arrest operation would take place from vehicles unless this was impossible: his oral evidence to the Widgery Inquiry was that he lined up Support Company’s vehicles at the Forming Up Position (FUP) in Clarence Avenue in the order in which he wished them to be should they come under attack.¹ In his oral evidence to this Inquiry, Major Loden said:²

“I am afraid this issue of going in on foot was never mentioned to me as our normal operation, or modus operandi, was to operate from our vehicles.”

¹ [WT12.36](#)

² [Day 345/70](#)

9.695 Major Loden accepted that the plan to go through the Presbyterian church necessarily involved his men going on foot; however, he repeated that he had been warned that he might have to go through any barrier. According to his oral evidence to this Inquiry he had anticipated using vehicles if possible.¹

¹ [Day 345/70-71](#)

9.696 Captain INQ 7, the battalion Intelligence Officer, said to us that the soldiers would have been expected to go in on foot because it was difficult to manoeuvre vehicles through Army barriers and also because the soldiers deployed in the derelict buildings would not have had access to their vehicles.¹ We consider later in this report² the deployment on the day of soldiers of 1 PARA in a derelict building south of the Presbyterian church.

¹ [Day 292/54](#)

² [Chapter 17](#)

9.697 We also deal in the course of this report with the expectations of those concerned on the day itself.

The details contained in Lieutenant Colonel Wilford's orders

9.698 According to the notes of the Orders Group,¹ which we have no reason to believe to be inaccurate, Colonel Wilford indicated that he would give further details at the FUPs. He accepted in his oral evidence to this Inquiry that he had not done so. He said that there had been no need for him to give further detailed tactical plans to his commanders or soldiers at the FUPs. He did not recall having given any further orders there and believed that such orders were needed only when a change of plan became necessary.²

¹ G94.562

² Day 314/50-51

9.699 He was asked about the fact that he did not at any time provide more detailed information to his subordinates about the planned operation:¹

“Q. Would there have been an advantage – your own operational plan seemed to suggest it – in giving more detail to the company commanders, Major Loden and others, as to exactly what was expected of them in this arrest operation?

A. I think, I think the company commanders and the platoon commanders and the platoon sergeants and the platoon corporals were fully aware of what was required of them.

Q. Your O Group was expecting, because that is what you indicated would happen, that you would give a detailed tactical plan; you never did?

A. Because a detailed tactical plan was not possible and – or necessary at the time. Again, I must come back to this business of, if you like, a blueprint, if I can call it that. You cannot have a blueprint in this situation, and I am not using the word ‘flexibility’ as a let-out, I am just saying flexibility is something one had to have ... You cannot have a blueprint for this sort of thing at all because the situation is constantly changing from moment to moment.

...

Q. So why had you put in your order, why had you said that you would give a detailed tactical plan:

‘I will give the company deployment in our forming-up position and then give my concept of how I think that battle can go.’

What was the purpose of putting that in your orders?

A. Because at the time I supposed, reasonably, that I may have the opportunity to give a more detailed plan of what we intended. I had to wait. There was no point in making a plan at that time at all. In fact it was impossible to make a plan at that time, one could only make a plan as the whole circumstances unfolded ... The purpose was that I might find the opportunity or the situation might develop that that would be a possibility; that is all. I was not laying down a blueprint once more, I was saying, in effect, to my company commanders 'we will deal with the situation as it develops'.

Q. But you never gave them any further detailed order?

A. No.

Q. With hindsight, was that an error?

A. No."

¹ [Day 315/8-11](#)

Company Orders Groups

9.700 Later on Saturday 29th January 1972 the Company Commanders held company Orders Groups. These were attended by the Platoon Commanders, the Company Sergeant Major and the Colour Sergeant.¹

¹ [B2216](#)

9.701 Major Loden's Orders Group for Support Company commenced at 1700 or 1730 hours.¹ It was attended by, among others, the Platoon Commander of each of the three Support Company platoons normally under Major Loden's command. The three platoons were Anti-Tank Platoon, Machine Gun Platoon and Mortar Platoon. While in warfare these platoons would undertake specialist support tasks, in Northern Ireland they acted as ordinary infantry platoons.

¹ [WT12.3](#); [B2212](#)

9.702 The Commander of the Anti-Tank Platoon on 30th January 1972 was Lieutenant 119. The Commander of Machine Gun Platoon was a Sergeant, INQ 441, and the Commander of Mortar Platoon was Lieutenant N.

9.703 On 30th January 1972 Major Loden had an additional platoon, Composite Platoon, under his command. On the day this platoon was commanded by Captain 200, the Officer Commanding Administrative Company, who also attended Major Loden's Orders Group. Composite Platoon (also known as Guinness Force) was made up of various members of

Administrative Company, supplemented (as were the other platoons) by soldiers from B Company of 1 PARA. Members of Composite Platoon were all fully trained infantry soldiers but in January 1972 usually worked in administrative roles.¹

¹ B2022.001

- 9.704** In a statement made on 31st January 1972, Major Loden gave the following description of the orders that he had given:¹

“MISSION. To arrest as many rioters as possible.

EXECUTION.

General Outline. The coy was to deploy into an asslt posn in Queen St, and to gain access to William St over the 6ft wall in the East of the Presbyterian Church at G[rid] R[eference] 43271706. The mor pl was to cut the wire which surmounted this wall to a height of approximately 12ft. The Anti-tk pl was warned to take up anti-sniper posns on the rooftops of houses on the South side of Gt James St.

Orders for Opening Fire. As given in the Yellow Card. (These orders, a new edition of which was issued in mid-December, were clearly understood by all soldiers. Pl comds had spelt out the differences in this new card from the previous one on issue.)”

¹ B2212

- 9.705** It appears from this evidence that an outline plan to reach William Street by scaling the wall to the east of the church existed by the time of the Support Company Orders Group. Major Loden explained in his oral evidence to this Inquiry that (unlike Mortar Platoon and Anti-Tank Platoon) Machine Gun Platoon and Composite Platoon were not given orders because at this stage flexibility was being maintained.¹

¹ Day 342/18-19

- 9.706** In his written statement for the Widgery Inquiry, signed on 17th February 1972, Major Loden told that Inquiry that he had made it clear that arrests were only to be made if an order to make arrests were given and if rioting had taken place.¹ He also stated that he had no recollection of discussing the question of opening fire. It would appear from his notes that he reminded his soldiers that this was governed by the Yellow Card.²

¹ B2216

² B2217

- 9.707** Lieutenant N told the Widgery Inquiry that those attending Support Company's Orders Group were warned that they would be going into an area in which lots of gunmen had operated in the past. He said that the Rossville Flats were mentioned as a particularly

dangerous spot.¹ In his evidence to this Inquiry, he said that there was no detailed planning of the route that his men were to use and no plan to use a pincer movement or to cut off the rioters' escape routes: "...*that would have been a different style of operation.*" He said that the plan was to gain access to the rioters and then "*follow what happens*". His recollection was that the operation was to be a frontal assault in which as many rioters as possible would be arrested. According to him this remained his understanding until the time that he and his men drove into the Bogside on 30th January.² We consider that he was correct in his recollection that no detailed plans were set out and that he was told that the intention was for as many rioters to be arrested as possible. We consider later in this report³ his evidence as to what he thought his task to be when the arrest operation was ordered.

¹ WT12.60-61

³ Paragraphs 20.262–264

² Day 322/119-121

9.708 Sergeant INQ 441 gave the following account to this Inquiry of the Support Company Orders Group:¹

"Major [Loden] held the briefing, which was given to all the platoon commanders, as well as the Company Sergeant Major. I believe there were five or six of us at the briefing, which took place in Major [Loden's] office. I do not remember much about what was said in the briefing, except that we were going to cover a civil rights march in Londonderry and we were told to watch the rooftops. The reason the briefing sticks in my mind is that it was one of the most full and thorough briefings I think I have ever been given. I believe this was primarily because we were going into a new area and we had no knowledge of the layout of the land. I believe we were shown maps and plans of the area to ensure we knew where to go and what to do on the day."

¹ C441.1

Platoon Orders Groups

9.709 Platoon Orders Groups followed the Support Company Orders Groups. Major Loden told this Inquiry that he attended part of the Orders Groups of the Anti-Tank Platoon, Machine Gun Platoon and Mortar Platoon. He moved from one group to another. He did not attend the Composite Platoon Orders Groups; this platoon was briefed by its own Officer Commanding, Captain 200, who was not usually under Major Loden's command.¹

¹ Day 342/15; Day 342/19

- 9.710** Sergeant INQ 441 gave evidence of the briefing that he gave to his platoon members on the evening of 29th January:¹

“Once [the Support Company] briefing had finished we were each told to go into the barrack room to brief our own platoons. Each platoon had its own room within the larger barrack room. I believe it was about 10pm by the time I actually started briefing my men. Major [Loden] and the Company Sergeant Major patrolled round the barrack room while the briefings were going on to ensure that full and detailed instructions were being given to each platoon. This was quite unusual.”

¹ [C441.2](#)

- 9.711** He could not, though, recall what he had told his platoon at that briefing.¹

¹ [Day 303/71](#)

- 9.712** Captain 200 gave a briefing to members of the Composite Platoon. In his oral evidence to this Inquiry, he agreed that he would have told his men that the Rossville Flats and buildings around it were places in which IRA men could be concealed. His evidence was that he told his men that IRA shooting was possible or probable.¹

¹ [Day 368/90-91](#)

- 9.713** In his statement for the Widgery Inquiry, Corporal A, a member of Machine Gun Platoon, gave a brief description of his platoon Orders Group:¹

“1. ... On 29 January at 22.15 we were given an order by our platoon commander. He told us that we were to go to Londonderry the next day to do security duties in connection with the march. He showed us on a map that we were to be held in reserve and were to move forward through a built-up area to William Street ready to carry out an arrest operation. From that position we might be ordered forward to carry out arrests.

2. We were given no special orders about opening fire. We were given orders to follow the yellow card.”

¹ [B20.025](#)

- 9.714** In his oral evidence to this Inquiry, Corporal A said he recalled being warned that the IRA would “*hijack*” the march; he said he had understood this to mean that the IRA might take over the march from the organisers and use it for their own purposes. He could not recall there being any discussion about the possibility of the soldiers coming under IRA fire but

said that such a possibility always existed whenever soldiers deployed in Northern Ireland.¹ He remembered the platoon having a photocopy of a small-scale “A–Z” type map of the area.²

¹ [Day 297/3-4](#)

² [Day 297/6](#)

9.715 Private S, a member of Mortar Platoon, told the Widgery Inquiry that his Platoon Commander had shown the platoon a map of the area, warned the men that they would be in reserve and might have to carry out an arrest operation and said any shooting was to be governed by the rules of the Yellow Card.¹

¹ [WT12.100-101](#)

The allegations of Private 027

9.716 One of the members of the Anti-Tank Platoon was a soldier given the cipher 027. In 1975 Private 027 wrote an account of the events of and leading up to 30th January 1972. The account included the following passage:¹

“One night in January 1972 I was sitting with the rest of my ‘muckers’ of the Anti-Tank Platoon in the Barracks when our Lt. [119] came in and informed us that we were due for an operation in Londonderry the following day. He said that the heart of Derry had been bombed out. Several hundred soldiers had been hospitalised and that not one arrest had been made ... We knew that the Creggan Estate was an I.R.A. fortress, conning towers, machine guns and barbed wire as well as land mines guarding its approaches. The people of the Creggan had not paid rent and had high-jacked all their food for several years. This was the symbol which led to the name ‘no go area’.

As I looked at my friends I could see that after all the abuse and nights without sleep, frustration and tension, this is what they had been waiting for. We were all in high spirits and when our Lt. said ‘let’s teach these buggers a lesson – we want some kills tomorrow’, to the mentality of the blokes to whom he was speaking, this was tantamount to an order i.e. an exoneration of all responsibility.”

¹ [B1565.003](#)

9.717 In his written evidence to this Inquiry, Private 027 told us:¹

“57. ... I have a clear memory of my section, the seven or eight of us, being in barracks in our denims and tee shirts. Our Platoon Lieutenant came in, whose identity I cannot now recall. It was not a formal briefing, it was more in the manner of a group chat. The lieutenant stood and we sat, as we had a discussion about Derry...

58. I cannot remember precisely all that was said at that briefing, but I do remember the remarks revolving around the possibility of getting kills the following day. I cannot now remember whether these events were first voiced by the Lieutenant, but I do remember the comment being repeated by the soldier sitting next to me to my left. I have a clear memory of him nodding his head in acknowledgment and repeating what was said, as if he had made his mind up. Because he was the first individual I noticed from our Platoon who fired a shot on the day, the memory of his reaction during the discussion the previous evening stayed in my memory. That individual, from my personal point of view, was more than any other individual responsible for instigating and perpetuating what occurred on Bloody Sunday.

...

62. To us, at the briefing, the march was a gathering of IRA supporters, the enemy in a no go area. If there was a problem, we were to go in and arrest people ... The prospect of going to Derry was regarded with some relish. There was the anticipation that we would be given the opportunity to confront the enemy.”

¹ [B1565.035-36](#)

9.718 Private 027 told this Inquiry that the soldier sitting next to him, and to whom he was referring in that passage, was Lance Corporal F.¹

¹ [Day 246/26-27](#)

9.719 In his written statement to this Inquiry, Private 027 also told us:¹

“65. The comment ‘we want some kills tomorrow’ needs to be put into the context in which it was made. We were going into the Bogside, a no go area, a piece of British territory that had been taken over by terrorists. We were told to be prepared for any eventuality and there was a strong suspicion that we would encounter gunmen ...

66. ... There were men out there who were trying to kill us with all the ingenuity they had available. When there was talk about wanting some kills tomorrow it was said against that background. I am clear in my mind that what was meant was that if we confronted gunmen, we would come out on top. As soldiers preparing themselves to go into a lethal confrontation, it would be absurd to expect that we would have thought differently.”

¹ B1565.036

9.720 Lieutenant 119’s evidence to this Inquiry was that he could not recall the Support Company briefing given by Major Loden nor having given any briefing to the members of his platoon.¹ He dealt in his written statement to this Inquiry with Private 027’s initial allegation:²

“I have been specifically asked whether I remember going to the platoon room prior to our deployment to Londonderry when the men were standing around in their vests and trousers and briefing them about the coming march in Londonderry. I have no recollection of that. I have been asked whether on such an occasion, or at any time, I said to my platoon words along the line of, ‘let’s teach those buggers a lesson – we want some kills tomorrow’. An alternative suggestion, which I understand is now offered by Private 027, is that I said something along the lines that the march would consist of 15000 people who were all essentially terrorists and that we should take great care not to let them get us before we got them. I utterly refute either version. I would not have said any such things as they do not reflect how I felt then or now. In addition, they would have suggested a breaking of the Yellow Card and possibly even a criminal offence.”

¹ B1752.011

² B1752.012

9.721 In his oral evidence to this Inquiry, Lieutenant 119 added that he recalled no feeling within his platoon or within 1 PARA that the hooligans in Londonderry should be taught a lesson¹ or that this was an opportunity for the Paras to engage gunmen within the IRA den that was the Bogside.² He agreed that there might have been discussion about the possibility that the Paras would engage gunmen and of the need for the Paras to come out on top if that happened.³

¹ Day 363/107

³ Day 363/110

² Day 363/110

9.722 Major Loden, who attended part of Lieutenant 119’s Orders Group, told this Inquiry that he did not hear Lieutenant 119 or anyone else, at any Orders Group, say that 1 PARA should “*get some kills*” on 30th January 1972.¹

¹ Day 342/19

9.723 Lance Corporal F's evidence was that he did not recall a briefing. He went on:¹

"I don't recall [Lieutenant 119] saying ['let's teach these buggers a lesson – we want some kills tomorrow'] and there's no way that he would have. It was not his nature; he did not have that type of mentality."

¹ [B167.002](#)

9.724 Lance Corporal F, in his oral evidence to this Inquiry, denied that he had behaved at the briefing in the way suggested by Private 027.¹

¹ [Day 375/63-64](#)

9.725 There are difficulties with Private 027's evidence as a whole, to which we draw attention elsewhere in this report.¹ Because of this, we take the view that we should treat his accounts with caution, unless supported by other reliable testimony. In the present instance, as also appears later in this report, we also have doubts about much of the evidence given by Lieutenant 119 and Lance Corporal F. In these circumstances, we have not found it possible to decide whether or not Lieutenant 119 did say anything more than that there was a risk that the soldiers would come up against gunmen and for the soldiers to come out on top if that happened.

¹ [Chapter 179](#)

The draft chapter provided by Colin Wallace

9.726 Colin Wallace, the civilian Army public relations officer to whom we have referred above,¹ provided the Inquiry with a draft chapter from a proposed book, apparently written in the early 1970s by an officer of 1 PARA. Colin Wallace did not know whether the book was ever finished (he saw no further draft chapters), but it does not appear to have been published, and no witness to this Inquiry has claimed responsibility for writing the piece in question. Although Colin Wallace retained the document, he could not assist further as to its origin or the identity of its author.²

¹ [Paragraph 9.214](#)

² [KW2.8; KW2.129; Day 238/35-41; Day 238/97-100](#)

9.727 The author, dealing with the days leading up to Bloody Sunday, wrote:¹

“The first one of our Company seconds-in-command heard of the impending operation was on the Friday before, when his Company Commander came rushing excitedly into his office after the Commanding Officer’s Orders Group. ‘We’re really going to have a go at them this time.’ He then went on to describe, with considerable relish, how the hooligan element on the march were going to be ‘dealt with’, the idea of ‘Scoop Force’, and our own role. The intelligence part of the operational order predicted gunmen in the area of the Rossville Flats.”

¹ KW2.44

9.728 According to the draft chapter, later that day the Captain briefly explained to his wife what the weekend’s operations would be. He explained about Scoop Force, the Paras and the gunmen. “*I can just see the headlines,*” she said, “*Londonderry’s Sharpeville*”.¹

¹ The Sharpeville shootings occurred on 21st March 1960, when South African police opened fire on a crowd of black demonstrators in the township of Sharpeville. Reports indicate that 69 people, including women and children, were killed and over 180 injured.

9.729 According to the document, the author was present at the march from Dungannon to Coalisland that took place on 29th January 1972. The chapter contains many details that are consistent with what is known about this march and its policing, but there are considerable doubts as to its provenance. Despite some evidence to the contrary,¹ it appears unlikely that 1 PARA, or any part of this battalion, was involved in policing the march. The *Fusilier* magazine (volume 1 number 8, June 1972) recorded that the units employed in the operation came from 3 RRF, 1 KOB and 8 UDR. The first two of these were also deployed in Londonderry on Bloody Sunday. There is no evidence from any 1 PARA soldier that members of the battalion were present at this event, and several witnesses told this Inquiry that they did not recall the battalion being so deployed.² In these circumstances, the authenticity and accuracy of the draft chapter cannot be verified, and we are unable to place any reliance on the information that is contained in this document.

¹ AR38.2

² Day 287/143-144; Day 279/58

Publicity for the march

9.730 On Saturday 29th January 1972 the *Irish News* carried an advertisement for the march.¹

¹ L19

**NORTHERN IRELAND CIVIL RIGHTS
ASSOCIATION**

GIGANTIC

**ANTI-INTERMENT
MARCH AND RALLY**

DERRY CITY — SUNDAY, 30th JANUARY, 1972

★

Assemble at 2 p.m. in the BISHOPS FIELDS and March to
the GUILDHALL SQUARE for Public Meeting

★

Speakers:

Lord Fenner Brockway
Rev. Terence McCaughey (Presbyterian Minister)
Edwina Stewart, Hon. Secretary, N.I.C.R.A.
Margo Collins, Executive Committee, N.I.C.R.A.
John Hume, M.P.
Ivan Cooper, M.P.
Bernadette Devlin, M.P.

Chairman:

Rory McShane, N.I.C.R.A. Executive Committee

★

**BEAT BRIAN'S BAN BY ORGANISING BUSES FROM YOUR AREA
TO DERRY THIS SUNDAY**

★

**OBSERVERS WILL BE PRESENT FROM THE NATIONAL COUNCIL
OF CIVIL LIBERTIES, LONDON, AND THE MOVEMENT FOR
COLONIAL FREEDOM (LIBERATION), LONDON**

9.731 Of particular note is the fact that this notice included the detail that the march would go to the Guildhall Square for a public meeting, something that had also been reported in the *Derry Journal* on the previous day. The advertisement also announced that one of the speakers would be John Hume. He told this Inquiry that he had initially agreed to address the march, but changed his mind after witnessing the violence displayed against the marchers at Magilligan. On that occasion, John Hume had insisted that the protest occur on a beach as this would minimise the risk of a violent confrontation, there being no stones for potential rioters to throw. When, in his view, this failed to stop an assault from

the security forces, he feared for what might happen in an urban situation. He therefore withdrew from his previous agreement to speak, publicly announced that he would have nothing further to do with the march, and actively encouraged others to do the same.¹

¹ KH8.2; Day 180/4-5; Day 180/9-10; Day 180/39-40

- 9.732** In addition to the advertisement, NICRA issued another statement on 29th January 1972, which was widely reported in the media:¹

“A call for a massive turnout at the Civil Rights Demonstration planned for Derry tomorrow has been made by the Executive of the Civil Rights Association. Making the call the Executive pointed out that the British Government are now full-tilt on repression and coercion and that a massive peaceful demonstration was vital if world opinion was to be impressed by the justice of the democratic cause in Northern Ireland.

The twin major aims for Derry is a demonstration that is both huge in numbers and perfectly peaceful and incident free. It is pointed out that any violence can only set back the civil rights cause and play straight into the hands of the Tory-Unionists by providing a justification not only for any violence they might contemplate against the demonstration itself but also for the daily violence of the security forces.”

¹ G92.552

- 9.733** Despite these statements, the expectation of many must have been that it was likely if not inevitable that the Army would seek to stop or divert the march and that there would be a violent confrontation at some stage during or after the event.

Cancellation of the Democratic Unionist rally

- 9.734** On the afternoon of 29th January 1972, the City of Londonderry and Foyle DUA announced the cancellation of the rally that earlier in the week they had told the Chief Constable they intended to hold in the Guildhall Square. The Vice President of this Association, the Reverend James McClelland, was reported as saying:¹

“We were approached by the Government and given assurances that the Civil Rights march will be halted – by force if necessary.

We believe wholesale riot and bloodshed could be the result of the Civil Rights activities tomorrow and we would be held responsible if our rally takes place. We have appealed to all loyalists to stay out of the city centre to-morrow.

We are prepared to give the Government a final opportunity to demonstrate its integrity and honour its promise to stop this march (Civil Rights). But if it fails in this undertaking, it need never again ask loyalist people to surrender their basic right of peaceful and legal assembly.”

¹ L21; G92.553; Day 220/4-8; Day 220/11-14; KM9.8

9.735 Whether there was in fact ever any genuine intention to hold a rally is open to doubt. As Lord Cameron noted in his report,¹ the tactic of announcing a march or demonstration that would clash with another already proposed by those of a different political colour, in order to force the prohibition or re-routing of the latter, and then (if this purpose was achieved) allowing the counter-demonstration to lapse, had, as he put it, “*long been a recognised tactic of obstruction in Northern Ireland*”.

¹ Cameron Report, para 41.

9.736 The DUA’s announcement that their rally had been cancelled contained the claim that the organisation had been approached by the (presumably Northern Ireland) Government and given assurances that the NICRA march would be halted, by force if necessary. This might be related to a parliamentary statement given by Commander Anderson, the Ulster Unionist (Stormont) MP for Londonderry City and Senior Parliamentary Secretary at the Ministry of Home Affairs, in the week after Bloody Sunday:¹

“A counter-demonstration was arranged for that day. I went to the people concerned and I am very glad to say that they had a sense of responsibility. They realised how this could be used for other purposes and they did not proceed with the parade. It would have been a lawful meeting. I want to say publicly that I am indebted to them for the step they took; it kept another section of our people off the streets of Londonderry.”

¹ KM9.16

9.737 On 30th January 1972 the *Sunday News* newspaper reported the cancellation of the rally, and the response of a government spokesman who denied that a deal had been done with the DUA organisers. The spokesman was quoted as saying: “*They were simply told that by going ahead with their rally they were only making the job of the security forces more difficult.*” No indication is given as to who passed on this message, or by what means.¹

¹ L21

9.738 It was submitted on behalf of the family of one of those who died on Bloody Sunday that:¹

“The Tribunal may reasonably conclude that the person who most probably spoke to the DUA on behalf of the government was Commander Anderson, the MP for Derry, and that he did so at the behest of the JSC after hearing from the GOC concerning the potential for a shooting war.”

¹ FS4.71

9.739 There is some doubt as to whom Commander Anderson approached, and whether they were members of the local DUA, or the provincial Democratic Unionist Party (DUP). The Reverend James McClelland told us that Commander Anderson had not spoken to him, and suggested that he might have approached the Reverend William Beattie, the DUP’s Deputy Leader and then the Stormont member for South Antrim.¹ However, the Reverend James McClelland also said he had a vague recollection of the DUP’s Chairman, Desmond Boal, telephoning him to urge him to cancel a counter-demonstration (which he presumed was the one arranged for 30th January 1972) as *“we do not need this kind of brinkmanship at this time”*.² Unfortunately, due to the Reverend James McClelland’s apparently poor memory of events, we were unable to place much reliance on his evidence.

¹ KM9.9-10; Day 220/15-16

² Day 220/16-18

9.740 Regardless of whom it was that Commander Anderson contacted, we are not persuaded that his approach was made at the *“behest of the JSC”* or that it was in any way authorised by the Stormont Government. Commander Anderson attended the JSC meeting of 27th January 1972 (the last before Bloody Sunday), yet the minutes record no instruction or invitation to Commander Anderson to intervene, and indeed no discussion of any such idea.¹ There is no other direct evidence of official support for assurances given to the DUA or the DUP to persuade them to call off the counter-demonstration, other than the words attributed to the Reverend James McClelland when announcing the cancellation.

¹ G76.463-466

9.741 In contrast, there are strong reasons to conclude that any steps taken by Commander Anderson (or anyone else) were the result of a personal, unsanctioned initiative. We accept as accurate the evidence of Brian Faulkner’s Principal Private Secretary, Dr Robert Ramsay, that there was a clear policy to have no dealings with Dr Ian Paisley outside formal parliamentary channels, as *“the Prime Minister felt that Dr Paisley had a*

rather idiosyncratic concept of truth".¹ Dr Ramsay explained that this policy would have applied to the issue of the Londonderry DUA's proposed demonstration, and Commander Anderson's possible mediation on this matter.²

¹ [Day 215/40](#)

² [Day 215/48-49](#)

9.742 Dr Ramsay also pointed out that Commander Anderson was the local MP for Londonderry City, and that he might have used local contacts to urge the DUA to cancel its rally.¹ This is possible, as is an approach via the Reverend Beattie or Desmond Boal. Whatever the means, it seems likely that during the conversation that Commander Anderson (who is deceased and gave no evidence to this Inquiry) had with "*the people concerned*", something was said that caused the Reverend James McClelland to announce the cancellation of the rally, and to claim that this was being done on the grounds that the march would be stopped by force if necessary. There is no evidence, nor anything to suggest, that the DUA was given any information of any nature about a proposed arrest operation. In any event, the lack of an official record reinforces the finding that Commander Anderson acted in a private capacity and on his own initiative. We are confident that no deal was done, and that no assurances were given by the Government that led the DUA to cancel its protest.

¹ [Day 245/49](#)

9.743 In our view a counter-demonstration was probably announced in order to put pressure on the authorities to ensure that the NICRA march was stopped. Why the rally was cancelled remains in doubt, as we do not know what was said by Commander Anderson.

9.744 One further issue that arises from the DUA counter-demonstration and its cancellation is the extent to which, if at all, Dr Ian Paisley and the central DUP were aware of the activities of the Reverend James McClelland and the Londonderry DUA in this regard. On this point, the evidence the Reverend James McClelland and Dr Ian Paisley gave to the Inquiry differed markedly.

9.745 The Reverend James McClelland stated that the DUA was in effect a local arm of the DUP and that there was little the local association could do of which Dr Ian Paisley would not be aware if it was likely to attract media attention.¹ At that time the question of marches and the ban on them was at the centre of media interest and debate across Northern Ireland, and indeed beyond. The Reverend James McClelland told us that he therefore assumed that Dr Ian Paisley would have been aware of the Londonderry DUA's proposed rally. He initially insisted that he "*definitely*" had had no contact with Dr Ian Paisley on the question of the rally, but when reminded that he had himself told the

Tribunal that he had no recollection even of the proposed counter-demonstration, he modified his answer by saying that he had no recollection of having had any contact with Dr Ian Paisley.² We gained the strong impression that the Reverend James McClelland disapproved of this Inquiry and was not disposed to go out of his way to assist us.

¹ KM9.2; KM9.4; KM9.9; Day 220/10; Day 220/21

² Day 220/10-11

9.746

Dr Ian Paisley told this Inquiry that he knew nothing about the Londonderry DUA's planned rally other than that which he read in the press. He stated that he did not talk to the Reverend James McClelland or other local DUA members about their plans for the event, and he knew of no contact between the Government or Commander Anderson and the DUA that led to its cancellation.¹ However, he commented that the organisers' public call for support on the basis that "*the Queen's writ must run in every part of the city and the law must be administered fairly to all sections of the community*" was in line with the contemporary policy of the DUP.² We gained the same impression of the attitude of this witness to this Inquiry as we had of the Reverend James McClelland. As to both these witnesses, we concluded that it would be unwise to rely on the evidence that they gave to us about the announced rally and its cancellation.

¹ Day 205/10-18

² Day 205/11-12

The Dungannon to Coalisland march

9.747

On 29th January 1972, demonstrators gathered in Dungannon for the scheduled anti-internment march to Coalisland, a reversal of the route of the August 1968 civil rights march, which was recognised as the first such event in Northern Ireland. The Dungannon march had been organised by the Tyrone Central Civil Resistance Committee, an umbrella group comprising several local civil rights organisations and activists, some of whom were also affiliated to NICRA.¹ The security forces blocked off the planned assembly point in the town's Market Square as part of an effort to stop the procession at source. However, a large section of the crowd managed to evade blockades by taking to waste ground, fields and at one stage a disused railway track. As these areas did not constitute public highways, marching on them was not prohibited. Throughout the day protesters and the security forces appear to have shadowed one another, with various efforts made by the former to return to the roads, and by the latter to disperse the crowd. A significant number of marchers completed the journey to Coalisland, but the security forces pointed out that they had been diverted from their intended and illegal route.²

¹ G66.410; AR38.1; AR38.5; AD189.19

² AR38.1-2; AR38.5; AD189.19; KD4.2-3; KB2.20; KD4.3; V26; G111.694

9.748 A number of those who participated on the march later complained about the allegedly heavy-handed methods employed by the security forces.¹ In contrast, the official accounts of the day given by and to the relevant authorities emphasised that the event passed off relatively quietly, although there was some rioting and some arrests were made for disorderly behaviour.² In the aftermath of Bloody Sunday, the issue of the policing of this incident did not excite significant public interest.

¹ [KD4.2-3](#); [Day 124/47](#); [KB2.20](#); [AD189.19-20](#)

² [V26](#); [G111.694](#); [G112.697](#); [G113.719](#); [G108B.665.17](#); [G115.746](#)

The night of 29th/30th January 1972

9.749 In his written statement to this Inquiry Sergeant INQ 441, the Commander of Machine Gun Platoon, described the night of 29th January and the early hours of 30th January 1972:¹

“8. After the briefings had taken place we were all confined to barracks. This was to ensure that everybody was rested up and ready to make an early start for Londonderry the following day. We were not allowed back into quarters but had to sleep in the barracks themselves. This was quite normal before a big operation as it ensured that there would be no problems the next morning when we prepared to start the operation ...

9. I do not remember exactly what time of day we started but it was very early. In terms of the equipment we carried I remember having the usual webbing, our SLRs [self loading rifles], and at least one rubber bullet gun and a tear gas gun per Pig. Some of the platoons may have carried sub machine guns, although most of them would have carried SLRs. We never used batons or shields, although we did have steel helmets with visors. Our helmets were converted parachute helmets, not the standard army issue helmet. We wore our flak jackets under our camouflage uniform but I believe most of the other regiments wore their flak jackets over their camouflage uniform. Each man was allocated a supply of ammunition on the day. I do not remember how much ammunition each man would have been given as this would have been decided by the Company Sergeant Major or Company Commander. The number of rounds would have depended upon the type of operation which had been planned. We would ordinarily have had at least one magazine full of ammunition backed up with bandoliers. A standard number of rounds, including those in the bandolier would have been in the region of 80. The magazine would have been carried in a pouch on our webbing.”

¹ [C441.2](#)

9.750 He recalled travelling in convoy with the rest of 1 PARA from Palace Barracks to Londonderry.¹

¹ [C441.3](#)

9.751 Major Loden explained to the Widgery Inquiry that on 30th January 1972 he had 102 men under his command. These comprised men from three platoons of Support Company (Anti-Tank Platoon, Machine Gun Platoon and Mortar Platoon) and one “*composite platoon*”, otherwise known as Guinness Force. The soldiers of Support Company were mounted in a total of six APCs. The members of Composite Platoon travelled in two 4-tonne lorries. In addition, Support Company had an armoured command vehicle, which was escorted by a Ferret scout car. All but three of the men under Major Loden’s command were armed with self-loading rifles (SLRs). The remaining three, all members of Composite Platoon, were each issued with a sub-machine gun. The reason for this was that there were insufficient SLRs available for each man to have one. The three men with sub-machine guns, and 12 of those with SLRs, were also issued with riot guns that fired rubber bullets.¹

¹ [B2246-7](#)

The issue of ammunition

9.752 The Company Sergeant Major of Support Company was Warrant Officer Class II Lewis. On 14th February 1972 he gave a statement to the RMP in which he provided details of the ammunition in the possession of members of Support Company on 30th January. His evidence was that, when ammunition was required, he issued it to the Platoon Sergeants who then issued it to their men and had to account to him for it. His records indicated that on 30th January 1972 the men of Support Company had in their possession a total of 2,950 rounds of 7.62mm ammunition (which was used in SLRs) and 52 rounds of 9mm ammunition. The 7.62mm ammunition was held by 59 men, who were armed with 50 rounds each. The 9mm ammunition was held by two men, each in possession of 26 rounds.¹

¹ [B2030](#)

9.753 Private 203, the arms storeman of Command Company of 1 PARA, issued arms and ammunition to members of Composite Platoon on 30th January 1972. He told the RMP on 14th February 1972 that on 30th January he had issued to 26 men 50 rounds each of 7.62mm ammunition and had issued to one man 40 rounds of 7.62mm ammunition.

He had also issued 19 men with 25 rounds each of 9mm ammunition and six men with 30 rounds each of 9mm ammunition. He also stated that some members of Composite Platoon had obtained ammunition not from him but from the B Company stores.¹

¹ B2112

- 9.754** The arms storeman of B Company, Lance Corporal 206, told the RMP on 14th February 1972 that on the morning of 30th January he had issued weapons and ammunition to members of Composite Platoon who had been unable to obtain arms and ammunition from the armoury. He had not retained records of the issue and could not recall the precise numbers issued. He stated that he had issued to each man 50 rounds of 7.62mm ammunition or 50 rounds of 9mm ammunition.¹

¹ B2121

The use of the helicopter

- 9.755** As we have mentioned above, on the morning of 30th January 1972 Brigadier MacLellan ordered Colonel Welsh to observe and report on the march from a helicopter. Colonel Welsh described in his written statement for the Widgery Inquiry the task that he was given. His recollection was that he had volunteered for the task:¹

“2. On Sunday 30 January I heard that a helicopter was to fly an observer over the march. As some of my own men were involved, I volunteered on that day to act as observer. My task was to report on progress of the march and to report [sic] on the radio to Brigade Headquarters.

...

4. Before I took off I had an informal briefing from the Brigade Commander. I knew that 1 Para were to mount a snatch operation if a riot situation developed, and if the circumstances made it possible. I was briefed to inform Brigade Headquarters, should a riot situation develop, when the main body of marchers had separated from the rioters. If a riot situation develops one often faces great difficulty in splitting the rioters from spectators. Information on this point was therefore of importance to Brigade Headquarters. I had no knowledge of any detailed orders given to 1 Para or any other possible snatch unit. I assumed that if an adequate separation occurred, a snatch operation might be mounted.”

¹ B1334

9.756 Brigadier MacLellan's evidence to this Inquiry was that he had considered controlling the operation himself from the helicopter but came to the conclusion that he should be in a place at which he could receive all communications and could deal, if necessary, not only with the march but with any paramilitary activity elsewhere.¹

¹ B1279.035; Day 262/17-18

9.757 Brigadier MacLellan told us that, having decided after the issue of the Operation Order to use a helicopter (and, presumably, after deciding not to be in it himself), he wanted the best officer available to be in the helicopter. His evidence was that he selected Colonel Welsh whom he regarded as extremely reliable.¹ Colonel Welsh began his helicopter patrol at 1355 hours on 30th January 1972.²

¹ B1279.035

² WT10.54

General considerations

9.758 In our consideration of the background to Bloody Sunday we have examined what we regard as the relevant events that preceded and led up to that day, including for convenience a little of what happened during the early part of the day. Before dealing in detail with the events of the day itself, we make some general observations.

Political debate

9.759 In terms of politics, there were two principal areas of debate in January 1972: the possibility of a political initiative emanating from Westminster that was timed to coincide with an anticipated lull in terrorist activity; and the question of whether to extend the ban on marches, including, if this was done, how to enforce it more effectively.

9.760 The first of these matters was discussed primarily, and privately, at Westminster. Optimistic reports from the security forces suggested that the level of IRA activity in Belfast (but notably not Londonderry) was as low as was possible without a formal ceasefire. This led ministers to contemplate the possibility of a political initiative timed to take advantage of this "window of opportunity", which some expected to occur as early as February 1972, during which it was hoped that both sides of the community would be amenable to pressure for compromise. Various proposals were put forward both on the process and substance of any initiative, but none was without its difficulties. Talks were suggested between the United Kingdom Government and the Opposition at Westminster, and it was hoped that these might later be extended to include those parties from Northern Ireland who could be persuaded to take part. However, thought was also

given to the possibility of the United Kingdom Government imposing a new system of governance on Northern Ireland, perhaps by temporarily suspending Stormont and replacing it with a commission system of administration. New arrangements would be established before a return to devolved government, including safeguards to ensure minority participation in government. Even if Stormont were to remain unchanged, there were suggestions that it should lose its responsibilities for law and order. The challenge was to find a way forward that would win significant nationalist support without alienating unionist opinion and provoking a feared “Protestant backlash”. Not all leading figures were convinced that this was possible, at least in the timescale envisaged. Some advised that it might be better to do nothing in the hope that some other solution would emerge, rather than embarking on an initiative that might worsen the situation. Meanwhile, suggestions made by the Taoiseach, Jack Lynch, that he might put forward public proposals for reform worried politicians and civil servants in London, who feared that this would infuriate unionists and thereby prove counter-productive.

9.761 The debate about the possible extension of the ban on marches was more public, and involved both Westminster and Stormont. Most ministers were agreed that the ban, which was due to lapse on 8th February 1972, six months after its implementation, should be renewed, even though they were aware that this would prove unpopular with both communities in Northern Ireland. However, and as was shown by the marches over Christmas and New Year, there was considerable disquiet among unionists about the enforcement of the ban and the feeling that nationalists were flouting it with impunity. This, it was feared, increased tension in Northern Ireland, gave a general impression of lawlessness, and carried the risk that it would provoke further illegal processions or demonstrations. Ministers pushed for greater efforts from the security forces to prevent marches from taking place and to prosecute those who did breach the ban. In response, the Army and RUC issued new joint instructions on dealing with such events, emphasising the importance of the enforcement of the prohibition. However, they also repeatedly argued that for tactical reasons it would not always be possible to stop a march at its source; instead the security forces would choose an appropriate place to block the procession, and would seek to identify and prosecute those involved either by arresting them at the time or, if necessary, by gathering evidence during the march and then taking appropriate action afterwards.

9.762 The political situation in Northern Ireland has been discussed in the course of this part of the report. The views and perceptions of the Northern Ireland Government had not changed in the days immediately preceding Bloody Sunday. Although this Government

had advanced modest reform measures, many nationalists still regarded them as token while many unionists became more convinced that the Government was giving in to republican paramilitary violence and eroding their historical political and economic hegemony. The Stormont Prime Minister, Brian Faulkner, was caught between strident unionist demands for harsher measures to combat republican paramilitary violence and to prevent nationalist marches and the United Kingdom Government's desire for significant reform in the hope that nationalist sentiment would turn against the IRA. Overhanging all of this was internment, which prevented dialogue with moderate nationalists, and the threat that direct rule would be imposed by Westminster. In Londonderry, the no-go areas remained intact and the gradual destruction of the commercial district continued. The already tense situation was in the days before Bloody Sunday exacerbated by events the previous Saturday at Magilligan Strand and by the Provisional IRA ambush on the Thursday that left two RUC officers dead and one wounded.

The Army

9.763 As will have been seen, those in command in the area of Londonderry were by January 1972 adopting a low-key response to the unrest and violence in the city as the best (if not the only) way of seeking to calm or at least contain the situation, given the force levels available. General Ford was clearly unhappy with the situation in the city and the attitude of the local commanders. Colonel Wilford, the Commanding Officer of 1 PARA, long afterwards expressed the view to the journalist and writer Peter Taylor that to him and his soldiers the sight on television of soldiers never going forward and just standing like "*Aunt Sallies*" in the face of hooligans attacking them was "*quite horrifying*" and that his soldiers were never going to act in that way; though when he gave evidence to us he sought to resile from these remarks.¹ The Regimental Sergeant Major of 1 PARA expressed the same view in his written statement to this Inquiry, describing the local troops as cowering behind barriers being stoned and petrol bombed.² To our minds the views of their Commander and their Regimental Sergeant Major were likely to have been shared by many others in 1 PARA.

¹ B1027-1029; Day 312/6

² C2037.1

A "*plan within a plan*"

9.764 During the course of the Inquiry and in their final submissions allegations were made by some of those representing the families that in truth what the politicians and military authorities had planned was not simply to stop the civil rights march on 30th January

1972 and to mount an arrest operation against rioters as set out in Operation Forecast, but to use 1 PARA to carry out some punitive action either designed deliberately to use unwarranted lethal force or at least with reckless disregard as to whether such force was used.¹

¹ FS4.83; FS4.87; FS4.98-102; FS6.203-212; FS1.772-773

9.765 These allegations are largely based on one of two assumptions, namely that what happened on Bloody Sunday was intended and planned to happen, or was foreseen as what was likely to happen.

9.766 In this regard it was submitted that what happened on the day itself showed that there was such a plan.¹ We deal in detail in this report with the events of Bloody Sunday, but should record at this stage that to our minds none of those events demonstrated or indicated the existence of any such plan.

¹ FS6.203-212

9.767 We have found no evidence to support either of the assumptions, or any evidence to suggest that there was such an underlying plan. The fact that, as we have said, General Ford was keen to use 1 PARA for an arrest operation and knew of its reputation for using excessive physical force does not suggest to us that accordingly he (or indeed anyone else) either intended those soldiers to use unwarranted lethal force (ie, to shoot people without justification) or was indifferent to them doing so.

9.768 As to the lack of evidence, we are bound to observe that those advancing the allegation of an underlying plan or a “*plan within a plan*” seemed on occasion to come dangerously close to relying on the proposition that the fact that there was no evidence was itself proof or at least an indication of an underlying plan, on the grounds that those engaged in creating the plan or carrying it out would obviously be at pains to hide their tracks. But this is an untenable proposition, for unless the question is begged (that is, it is first assumed that there was such a plan) the absence of evidence means no more than that there is nothing to support the allegation that a plan existed.

The Ford memorandum

9.769 In his memorandum,¹ General Ford recorded that he was coming to the view that the only way to deal with the “Derry Young Hooligans” was to shoot selected ringleaders, using rifles adapted to use .22in ammunition and after giving a warning, though he also acknowledged that any such method of riot control would require authorisation before it could be put into effect.

¹ G48.299

9.770 In one sense we can understand how a military man, looking at the continuing problem of the “Derry Young Hooligans”, bearing in mind the lack of success in dealing with this problem over the previous months, and having regard to the limited number of soldiers in the city available for riot control, could conclude that if the hooliganism was to be stopped, this was the only way that this could be done with the existing force levels. What surprises us is that an officer of General Ford’s seniority could form the view that this course of action, although theoretically providing a possible solution to the rioting problem, should seriously be considered as something that could be done. That General Ford did hold this view seems to us evident from the fact that, as the memorandum records, he had put in hand the provision of rifles firing .22in ammunition. What General Ford should have appreciated was that shooting hooligans who were not endangering the lives of soldiers or others represented a wholly unacceptable form of riot control. His conclusion, therefore, should have been that with the force levels available in the city, he could see no acceptable way of preventing the activities of the “Derry Young Hooligans”.

9.771 We are sure that the suggestion to shoot selected ringleaders was not put into effect on Bloody Sunday. There is nothing to indicate that authorisation for this method of controlling rioters (which would have required significant changes to the Yellow Card and indeed to the law itself) was even considered by General Tuzo or politicians. There is also nothing to suggest that any of those shot on Bloody Sunday were given warnings or shot because they were or were believed to be the ringleaders of hooligans, nor that the soldiers who fired used .22in bullets as opposed to the standard 7.62mm rounds.

General perceptions

- 9.772 As the Labour leader Harold Wilson observed after his visit to Northern Ireland in the autumn of 1971, and as in our view remained the case, “*Matters had reached a point when what mattered was not the truth but what people believed.*” There were fundamental and irreconcilable differences of perception between some of those present in Londonderry on the day, including both soldiers and civilians. Emotions (particularly fear and hatred) were running high and this inevitably led some of those who gave accounts of the day to recall events in a less than objective way, ascribing nothing but evil intentions and actions to those they regarded as the enemy and nothing but good to those they regarded as on their side. This is something that must be borne in mind when assessing the reliability of the testimony received by the Tribunal, though equally it would be wrong to treat this factor alone as in any way determinative, or to be applied in a blanket fashion regardless of other relevant factors to be considered when weighing the account of the events of the day given by any particular witness.
- 9.773 Among those other factors is, of course, the passage of time, which can in any case dim or distort recollections and which, in relation to an event like Bloody Sunday, is likely (if not certain) to give rise to myths and legends among both civilians and soldiers that have little or no foundation in fact, but which become perceived as and very difficult to disentangle from the truth.
- 9.774 We have borne these matters in mind when considering the evidence, particularly that of the events of the day itself. It is to those events that we now turn.